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DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

8 CFR Part 281

[Docket No: ICEB–2025–0034]

RIN 1653–AA96

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

8 CFR Parts 1003 and 1280

[Dir. Order No. 01–2025]

RIN 1125–AB36

Imposition and Collection of Civil Penalties for Certain Immigration-Related Violations

AGENCY: U.S. Immigration and Customs Enforcement (''ICE''), Department of Homeland Security (''DHS''); Executive Office for Immigration Review (''EOIR''), Department of Justice (''DOJ'').

ACTION: Interim final rule; request for comment.

SUMMARY: This interim final rule (''IFR'') amends existing DHS and DOJ regulations. It provides exclusive DHS procedures for the issuance of civil monetary penalties under the Immigration and Nationality Act for aliens who fail to depart voluntarily during the voluntary departure period, willfully fail or refuse to depart after a final removal order and certain other proscribed activities, or are apprehended while improperly entering or attempting to enter the United States. The IFR also transfers the appeals process for these penalties from DOJ's Board of Immigration Appeals to DHS.

DATES:

Effective date: This final rule is effective on June 27, 2025.

Comment date: Comments must be received on or before July 28, 2025.

ADDRESSES: You may submit comments on this IFR, identified by DHS Docket Number ICEB–2025–0034, through the Federal eRulemaking Portal at *http://www.regulations.gov.* All comments must be submitted in English, or an English translation must be provided. Follow the website instructions for submitting comments.

Comments submitted in a manner other than the one listed above, including emails or letters sent to the Departments' officials, will not be considered comments on the rule and may not receive a response from the Departments. The Departments cannot accept any comments that are hand-delivered or couriered. In addition, the Departments cannot accept comments contained on any form of digital media storage devices, such as CDs, DVDs, or USB drives. The Departments are not accepting mailed comments at this time. If you cannot submit your comment using *http://www.regulations.gov,* please see the **FOR FURTHER INFORMATION CONTACT** section of this document.

FOR FURTHER INFORMATION CONTACT:

For DHS: Office of Regulatory Affairs and Policy, U.S. Immigration and Customs Enforcement, Department of Homeland Security, 500 12th Street SW, Washington, DC 20536; telephone (202) 732–6960 (not a toll-free call) (for questions only—no comments will be accepted at this phone number).

For DOJ: Stephanie Gorman, Acting Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041; telephone (703) 305–0289 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

I. Public Participation

Instructions for providing comments are in the **ADDRESSES** caption above.

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Docket: For access to the docket and to read background documents or comments received, go to *https://www.regulations.gov,* referencing DHS Docket No. ICEB–2025–0034. You may also sign up for email alerts on the online docket to be notified when comments are posted or when the final rule is published.

II. Background and Purpose

A. Civil Monetary Penalty Provisions of the INA

The Immigration and Nationality Act (''INA'' or the ''Act'') authorizes the imposition of numerous civil monetary penalties for various immigration-related violations.[1] Since its enactment, the INA has included several civil monetary penalties against entities that, and persons who, fail to comply with statutory and regulatory requirements designed to prevent aliens' unlawful entry and presence in the United States. For example, the INA has long required carriers, including vessels and airlines, to ensure under pain of civil monetary penalties that aliens being transported to the United States have valid documents for admission. *See, e.g., Screening Requirements of Carriers,* 61 FR 29323 (June 10, 1996) (discussing the history of section 273 of the INA, 8 U.S.C. 1323). The INA has also long imposed civil monetary penalties on employers who knowingly hire, recruit, or refer for a fee aliens without proper work authorization, and on employers who fail to comply with employment verification requirements. *See* INA 274A, 8 U.S.C. 1324a.

Prior to 1996, however, the INA generally did not authorize civil monetary penalties against aliens who violated the immigration laws. In 1996, Congress substantially amended the INA through the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (''IIRIRA''). Public Law 104–208, 110 Stat. 3009–546. The purpose of IIRIRA was to enhance immigration enforcement and the consequences of violating the nation's immigration laws. H.R. Rep. No. 104–469, pt. 1, at 1, 107 (1996). In furtherance of that purpose,

[1] This rule variously refers to ''fines,'' ''civil penalties,'' and ''civil monetary penalties.'' Those terms are meant to have identical meaning for purposes of this rule.

Congress added three new provisions to the INA that authorize the Attorney General to impose civil monetary penalties against aliens who fail to voluntarily depart the United States during the specified period designated in an order granting voluntary departure, who are subject to a final order of removal and willfully fail or refuse to depart the United States or take certain other actions to thwart their departure or removal, or who are apprehended while illegally entering or attempting to enter the United States.[2]

First, under section 240B(d)(1)(A) of the INA, 8 U.S.C. 1229c(d)(1)(A), Congress authorized the imposition of civil monetary penalties against aliens granted voluntary departure who fail to depart the United States within an allotted period. Public Law 104–208, 110 Stat. 3009–546, 3009–597. Voluntary departure is a discretionary form of relief that allows certain aliens—either before the conclusion of removal proceedings under section 240 of the INA, 8 U.S.C. 1229a (''section 240 removal proceedings''), or after being found removable—to request and be granted permission by an Immigration Judge to depart the United States at their own expense as an alternative to formal removal proceedings and the entry of a formal removal order. *See* INA 240B(a)(1), (b)(1), 8 U.S.C. 1229c(a)(1), (b)(1). Voluntary departure under section 240B of the INA, 8 U.S.C. 1229c, ''allows the Government and the alien to agree upon a *quid pro quo*.'' *Dada* v. *Mukasey,* 554 U.S. 1, 11 (2008). An alien granted this relief avoids a removal order and its attendant consequences and is allowed to depart the United States voluntarily; the Departments avoid the costs of immigration proceedings and the burden of removing an alien. *See id.*

To promote compliance with voluntary-departure orders, Congress imposed a civil penalty of between $1,992 and $9,970, as adjusted for inflation, for failing to depart voluntarily during the period specified. *See* INA 240B(d)(1)(A), 8 U.S.C. 1229c(d)(1)(A); *see also* 8 CFR 280.53(b)(3); *Civil Monetary Penalty Adjustments for Inflation,* 90 FR 1, 2 (Jan. 2, 2025). Additionally, when entering an order granting voluntary departure, the Immigration Judge is required to warn the alien of the consequences of failing to depart during the period specified, including that civil monetary penalties can be assessed. *See* INA 240B(d)(3), 8 U.S.C. 1229c(d)(3).

Second, under section 274D(a)(1) of the INA, 8 U.S.C. 1324d(a)(1), DHS has the authority to impose civil monetary penalties on an alien who is subject to a final order of removal and who willfully fails or refuses to (A) depart the United States pursuant to that order, (B) make a timely application in good faith for travel or other documents necessary for departure, or (C) present for removal at the time and place required by DHS. Most aliens subject to these penalties have been ordered removed at the conclusion of section 240 removal proceedings.[3] During those proceedings, aliens are provided with statutory and regulatory procedural protections including a hearing before an Immigration Judge, an opportunity to contest removal charges and to apply for relief or protection from removal, and an opportunity to offer evidence. Aliens also have the ability to appeal an adverse order to DOJ's Board of Immigration Appeals (''BIA'' or ''Board'') and, generally, petition for review of the removal order by a federal court of appeals. *See* INA 240(b)(4), 8 U.S.C. 1229a(b)(4); *see generally* 8 CFR 1003, 1240. For any alien ordered removed at the conclusion of section 240 removal proceedings, an Immigration Judge must warn the alien of the consequences of failing to depart, including that the alien could be subject to civil monetary penalties. *See* 8 CFR 1240.13(d). The statute provides a civil monetary penalty of not more than $500, which when adjusted for inflation is $998, for each day that the alien is in violation. *See* INA 274D(a), 8 U.S.C. 1324d(a); *see also* 90 FR 3.

Third, section 275(b)(1) of the INA, 8 U.S.C. 1325(b)(1), provides that an alien who is apprehended while entering or attempting to enter the United States improperly is subject to a civil penalty. The penalty, which DHS has adjusted for inflation, ranges from at least $100 to not more than $500 for each entry or attempted entry. *See* 90 FR 3 (Jan. 2, 2025). Aliens who have previously been fined for unlawful entry under this section are subject to twice the amount of the penalty for subsequent violations. *See* INA 275(b)(2), 8 U.S.C. 1325(b)(2).

Additionally, Congress amended section 280(b) of the INA, 8 U.S.C. 1330(b), to establish the Immigration Enforcement Account, Border and Transportation Security. *See* Public Law 104–208, 110 Stat. 3009–651. This account is available to DHS components for the deposit of penalties, including those resulting from departure violations. These monies are then permitted to be used to support DHS activities that enhance immigration law enforcement, such as identifying, investigating, detaining and removing criminal aliens, and the repair, maintenance, and construction of barriers (*e.g.,* a wall) to illegal entry into the United States. *See* INA 280(b)(3)(A)(i)–(iii), 8 U.S.C. 1330(b)(3)(A)(i)–(iii).

Both ICE and United States Customs and Border Protection (''CBP'') have the authority to administer civil monetary penalties related to violations of the immigration laws and immigration court orders. *See* INA 103(a)(1)–(5), 8 U.S.C. 1103(a)(1)–(5) (authorizing the Secretary of Homeland Security to administer and enforce the immigration laws; establish such regulations, prescribe such forms, issue such instructions, and perform such other acts as she deems necessary for carrying out her authority, authorize DHS employees to perform the duties conferred under the INA, and control U.S. borders against the illegal entry of aliens); 8 CFR 2.1; *see also* DHS Delegation No. 7010.3, *Delegation of Authority to the Commissioner of U.S. Customs and Border Protection* (May 11, 2006); DHS Delegation No. 7030.2, *Delegation of Authority to the Assistant Secretary for U.S. Immigration and Customs Enforcement* (Nov. 13, 2004).

B. Civil Monetary Penalty Regulations

In 1952, the former Immigration and Naturalization Service (''INS'') issued regulations at 8 CFR part 280 on the procedures that apply to most civil monetary penalties authorized under the INA. *See* 17 FR 11469, 11534–36 (Dec. 19, 1952). The regulation was

[2] This authority was transferred to the Secretary of Homeland Security as part of the Homeland Security Act of 2002. For a discussion of the Departments' authority to issue this rule and the transfer of immigration enforcement functions to DHS after the Homeland Security Act of 2002, *see* Section III of this preamble.

[3] Under the INA, certain aliens can also be ordered removed by DHS with limited or no review by EOIR. For example, section 235(b)(1) of the INA, 8 U.S.C. 1225(b)(1), provides an expedited removal process for certain aliens. Section 241(a)(5) of the INA, 8 U.S.C. 1231(a)(5), provides for reinstatement of aliens previously ordered removed. Section 238(b) of the INA, 8 U.S.C. 1228(b), provides for an administrative entry of a removal order for non-permanent resident aliens who are aggravated felons. Aliens ordered removed through these processes, however, generally must be detained for removal, *see* INA 235(b)(1)(B)(ii), (B)(iii)(IV), 241(a)(2), 8 U.S.C. 1225(b)(1)(B)(ii), (B)(iii)(IV), 1231(a)(2), which reduces the likelihood of an alien's failure to depart. Therefore, while applicable to all administratively final removal orders, the civil monetary penalties under section 274D(a)(1)(A) of the INA, 8 U.S.C. 1324d(a)(1)(A), for willful failure to depart, and section 274D(a)(1)(C) of the INA, 8 U.S.C. 1324d(a)(1)(C), for failure to present for removal, are most relevant to aliens ordered removed through section 240 removal proceedings. The civil monetary penalty under section 274D(a)(1)(B) of the INA, 8 U.S.C. 1324d(a)(1)(B), could be applied to aliens issued an expedited removal order by DHS who remain detained and who fail to make a timely application in good faith for travel or other documents necessary for departure. However, this is a rare class of aliens.

republished with minor changes in 1957. *See* 22 FR 9765, 9807 (Dec. 6, 1957). The former INS issued these regulations prior to the amendments that Congress made in 1996 to impose additional civil monetary penalties on aliens who unlawfully enter the United States or fail to depart after a voluntary departure or final removal order.

Indeed, since 1957 there have been minimal regulatory updates to 8 CFR part 280. *See* 22 FR 9765, 9807 (Dec. 6, 1957). For example, prior to IIRIRA, the former INS amended 8 CFR part 280 in 1989 to authorize the National Fines Office of the former INS to issue notices of intent to fine and make certain decisions. *See National Fines Office,* 54 FR 18648 (May 2, 1989). Subsequently, DOJ reorganized the immigration regulations to reflect the abolition of the INS and the transfer of immigration enforcement functions to DHS after Congress passed the Homeland Security Act of 2002 (''HSA''), *see* Public Law 107–296, sec. 102, 402, 116 Stat. 2135, 2142, 2177 (codified at 6 U.S.C. 112, 202); *see also* INA 103(a)(1), 8 U.S.C. 1103(a)(1). *See, e.g., Aliens and Nationality; Homeland Security; Reorganization of Regulations,* 68 FR 9824 (Feb. 28, 2003). At that time, DOJ replicated the provisions of 8 CFR part 280 into EOIR's regulations at 8 CFR part 1280 without substantive change. 68 FR 9827. In 2011, DHS and DOJ issued a joint rulemaking in which DOJ amended its regulations to reflect the transfer of enforcement authority to DHS, but the Departments did not otherwise address the existing procedures in 8 CFR part 280. *See Civil Monetary Penalties Inflation Adjustment,* 76 FR 74625, 74628–29 (Dec. 1, 2011). DHS has periodically amended 8 CFR part 280 to reflect annual inflation adjustments mandated by Congress for civil monetary penalties imposed by the Executive Branch, *see, e.g., Civil Monetary Penalty Adjustments for Inflation,* 90 FR 1 (Jan. 2, 2025), but DHS has not amended the procedures that apply to implementing these penalties.

Prior to this IFR, however, 8 CFR part 280 required DHS to apply the following procedures to impose most civil monetary penalties authorized under the INA,[4] including the unlawful entry and failure-to-depart penalties:

- When an authorized DHS employee has a reason to believe that an alien is subject to a civil monetary penalty under the INA, the alien is served a Notice of Intention to Fine (''NIF''). 8 CFR 280.1, 280.11.
- The alien is allowed a 30-day period to respond to the NIF with a written defense, under oath, along with a request for an interview, or choose not to respond to the NIF. 8 CFR 280.12–.13. An immigration officer can extend the 30-day response period for good cause shown. 8 CFR 280.12.
- If requested, a personal interview is held where the alien may present any evidence in opposition to the civil penalty. *Id.*
- An immigration officer then prepares a report summarizing any information, documents, and statements the alien provides in support of why the penalty should not be imposed. The immigration officer also provides a recommendation. 8 CFR 280.13(b).
- The immigration officer submits this report, along with their recommendation as to whether a penalty be issued, to the appropriate deciding official for review. *Id.* The deciding official will then determine whether to sustain the immigration officer's recommended decision and, in so doing, decide whether a penalty will be issued. *Id.*
- Depending on the decision of the deciding official, the alien is notified of the decision and of the opportunity to file an appeal with DOJ's BIA within 30 days of the service of the decision being appealed. *Id.;* 8 CFR 1003.3(a)(2).
- If an alien appeals, DHS may reopen and reconsider its decision if the disposition is to issue no penalties or otherwise grant the benefit requested on appeal. 8 CFR 1003.5(b). However, if a new decision is not made within 45 days of the briefs being received or due, or if the alien does not agree with DHS's new decision, the record of proceeding is immediately forwarded to the BIA. *Id.*
- If the BIA denies the appeal, the original civil penalty stands.

Under the current regulations, aliens are served a copy of the NIF by personal service. *See* 8 CFR 280.11. Personal service generally includes the following: delivery of a copy personally to the alien; delivery of a copy at the alien's residence; delivery of a copy at the office of the alien's attorney; or mailing a copy by certified or registered mail, return receipt requested, addressed to the alien's last known address. *See* 8 CFR 103.8(a)(2). Similarly, DHS also serves the decision and order imposing civil monetary penalties to the alien by personal service. *See* 8 CFR 103.8(c)(1).

Under the appeals process in 8 CFR part 280 (for the three penalties that are the subject of this rule), aliens challenging a civil monetary penalty may appeal to the BIA. *See* 8 CFR 280.51(c). This process has an unpredictable timeframe for a final decision in part because the BIA generally has a significant backlog of cases and often takes years to decide a case. *See, e.g., Matter of Bernardo,* 28 I&N Dec. 781 (BIA 2024) (deciding a case after an appeal was pending for over four years). As of the second quarter of FY 2025, the BIA has 160,098 pending appeals.[5] Pending appeals have increased approximately 330 percent since FY 2015. In FY 2015, there were 37,285 pending appeals at the end of the year.[6]

C. Enforcement History

Although DHS and its predecessor, INS, have had the authority to assess civil monetary penalties for failure to depart and unlawful entry since 1996, DHS did not issue any of these penalties until after Executive Order 13768, *Enhancing Public Safety in the Interior of the United States,* 82 FR 8799 (Jan 30, 2017), was issued. Section 6 of that order directed the Secretary of Homeland Security to ''ensure the assessment and collection of all fines and penalties . . . from aliens unlawfully present in the United States.'' 82 FR 8799, 8800 (Jan. 30, 2017). In response, ICE began issuing penalties under sections 240B(d)(1)(A) and 274D(a)(1) of the INA, 8 U.S.C. 1229c(b)(1)(A) and 8 U.S.C. 1324d(a)(1).[7] In the absence of an alternative, the Departments utilized the civil monetary penalties procedures contained in 8 CFR part 280. As of 2021, ICE had 26 active fines under these two authorities.[8] On January 20, 2021, former President Biden rescinded Executive Order 13768, *see* E.O. 13993, *Revision of Civil Immigration Enforcement Policies and Priorities,* 86 FR 7051 (Jan. 20, 2021), and DHS subsequently rescinded the active

[4] ICE also has the responsibility for enforcing two other sections of the INA which call for civil money penalties: INA 274A, 8 U.S.C. 1324a, and INA 274C, 8 U.S.C. 1324c. Procedures for enforcement of those sections are spelled out explicitly in other regulatory sections, *e.g.,* 8 CFR 270, 274a, and cases brought under those sections are adjudicated by DOJ rather than by DHS, *see generally* 28 CFR 68. Accordingly, enforcement of those penalties is not covered by 8 CFR part 280 and, thus, those penalties are not included within the scope of the IFR.

[5] EOIR, Workload & Adjudication Statistics, *All Appeals Filed, Completed, and Pending* (Apr. 4, 2025), *https://www.justice.gov/eoir/media/1344986/dl?inline* [*https://perma.cc/C6T7-6JUQ*].

[6] *Id.*

[7] Civil monetary penalties under section 275(b) of the INA, 8 U.S.C. 1325(b), were not assessed at that time.

[8] *See* Memorandum for Tae D. Johnson, Acting Dir., ICE, from Corey A. Price, Acting Exec. Assoc. Dir., Enforcement and Removal Operations, ICE, *Re: Recission of Civil Penalties for Failure to Depart* (Aug. 6, 2021).

decisions to fine and withdrew the active NIFs.[9]

On January 20, 2025, President Trump issued Executive Order 14159, *Protecting the American People Against Invasion,* 90 FR 8443 (Jan. 20, 2025), in response to an ''unprecedented flood of illegal immigration into the United States'' under the Biden Administration. *See id.* at 8443. As relevant to this IFR, the President directed the Secretary of Homeland Security to take ''all appropriate action to ensure the assessment and collection of all fines and penalties that [DHS] is authorized by law to assess and collect from aliens unlawfully present in the United States, including aliens who unlawfully entered or unlawfully attempted to enter the United States, and from those who facilitate such aliens' presence in the United States.'' *Id.* at 8444–45.

On March 17, 2025, the ICE Acting Director delegated authority to ICE Enforcement and Removal Operations' (''ERO'') Executive Associate Director (''EAD''), Deputy EAD, and Field Office Directors to administer and enforce these civil fines.[10] The Acting EAD of ERO then re-delegated this authority to ERO Deportation Officers.[11] Pursuant to this delegation of authority, as of June 13, 2025, ICE has initiated nearly 10,000 NIFs for failure-to-depart civil monetary penalties, and aliens or their attorneys have responded in approximately 100 cases to contest the fine, ask for additional time to respond, or request more information.

Related to these efforts, DHS is taking additional action to encourage illegal aliens to depart the United States voluntarily, including aliens who are subject to the failure-to-depart civil monetary penalties, through DHS's CBP Home mobile application (''CBP Home app''), consistent with Presidential Proclamation 10935, *Establishing Project Homecoming,* 90 FR 20357 (May 9, 2025). The CBP Home app allows aliens to register to depart the United States voluntarily, provide required biographical information, and notify DHS after they have departed.[12] DHS offers financial and travel document assistance for some aliens who request it, provides a $1,000 stipend upon confirmation through the app that return has been completed, and rescinds civil monetary fines imposed for failure-to-depart after return has been completed.[13]

D. Purpose and Need for the Rule

Through this IFR, the Departments are streamlining the process for imposing civil monetary penalties on aliens who have entered the United States unlawfully or have failed to depart after being ordered removed or granted voluntary departure.[14] The current process under 8 CFR part 280 was not designed with these penalties in mind. It contains unnecessary procedures and extended timelines that could hinder DHS's ability to impose these penalties swiftly and in proportion to the scale of aliens who have entered the United States unlawfully, including aliens who may have entered lawfully but failed to depart after removal and voluntary departure orders in recent years. The revised process is intended to allow DHS to impose more civil penalties, more quickly, and in proportion to the sheer number of aliens who, in recent years, have unlawfully entered the United States and those who remain after a removal order or voluntary departure order. DHS believes that this effort will, in turn, help deter future unlawful entries and encourage greater compliance with removal and voluntary departure orders consistent with this Administration's focus on securing the border and restoring integrity to our nation's immigration system.

1. Straightforward Nature of the Failure-to-Depart and Unlawful Entry Penalties

DHS believes that the nature of the failure-to-depart and unlawful entry penalties supports the need for more streamlined procedures. The unlawful entry civil penalties under section 275(b) of the INA, 8 U.S.C. 1325(b), typically turn on routine and straightforward determinations of fact that are readily verifiable by DHS. Aliens intercepted while entering or attempting to enter the United States at an improper time or place have, by definition, violated section 275(b) of the INA, 8 U.S.C. 1325(b), and therefore the documented encounter serves as the only fact required to impose the penalty in these instances. For aliens who enter unlawfully and are later encountered in the interior of the United States, ICE and CBP immigration officers typically prepare Form I–213, Record of Deportable/Inadmissible Alien, which documents the apprehension or encounter and includes the alien's immigration history. The information on the Form I–213 is entitled to a strong presumption of reliability, *see Punin* v. *Garland,* 108 F.4th 114, 125 (2d Cir. 2024), and thus will often be sufficient to demonstrate the alien is subject to the fine.

The same is true for the failure-to-depart civil monetary penalties under sections 240B(d) and 274D(a)(1) of the INA, 8 U.S.C. 1229c(d) and 1324d(a)(1). An alien subject to a failure-to-depart penalty has typically already availed himself of the immigration process, has had the opportunity to request relief or protection from removal, was ordered removed or granted voluntary departure, and was made aware of the civil penalties associated with failing to comply with the removal or voluntary departure order.[15] An alien cannot challenge his removal or voluntary departure order during the civil monetary penalty process. Instead, these provisions of the INA principally authorize DHS to impose a civil monetary penalty if two conditions are met: (1) the alien was granted voluntary departure [16] or is subject to a final executable order of removal; and (2) the alien voluntarily failed to depart in the allotted time set forth in the voluntary departure order or willfully failed to depart under a final removal order. *See* INA 240B(d)(1), 274D(a)(1)(A), 8 U.S.C. 1229c(d)(1), 1324d(a)(1)(A).

In the vast majority of cases, United States Government records will sufficiently establish the facts necessary to demonstrate that the alien is subject to these civil monetary penalties. DHS maintains records of an alien's immigration history, including removal and voluntary departure orders, information about any pending appeals or motions to reopen, and copies of any

[9] *Id.*

[10] *See* ICE Deleg. Order No. 003–2025, *Delegation of Authority to Administer and Enforce Certain Provisions Relating to Civil Penalties for Failure to Depart* (Mar. 17, 2025).

[11] *See* ERO Deleg. Order No. DO99–002, *Re-delegation of Authority to Administer and Enforce Provisions Relating to Civil Penalties for Failure to Depart* (Mar. 24, 2025).

[12] *See* CBP, *CBP Home: Assistance to Voluntarily Self Deport, https://www.dhs.gov/cbphome* [*https://perma.cc/CK3X-QM79*] (last visited June 17, 2025).

[13] *Id.; see also* DHS, *DHS Announces It Will Forgive Failure to Depart Fines for Illegal Aliens who Self-Deport Through the CBP Home App* (June 9, 2025), *https://www.dhs.gov/news/2025/06/09/dhs-announces-it-will-forgive-failure-depart-fines-illegal-aliens-who-self-deport* [*https://perma.cc/8RBN-PACA*].

[14] For ease of reading, in some instances this preamble uses the phrase ''failure-to-depart civil monetary penalties'' to cover both civil monetary penalties under section 274D(a)(1) of the INA, 8 U.S.C. 1324d(a)(1), for willful failure to depart after a removal order and civil penalties under section 240B(d)(1)(A) of the INA, 8 U.S.C. 1229c(d)(1)(A), for failure to voluntarily depart under a voluntary departure order.

[15] For a discussion of the various procedures that apply in section 240 removal proceedings, including the warnings that Immigration Judges provide to aliens about the consequences of failing to comply with removal and voluntary departure orders see Section II.A of this preamble above.

[16] In the case of an order granting voluntary departure, the Immigration Judge enters an alternate removal order that becomes effective upon the expiration of the period allowed for voluntary departure unless the alien takes further procedural actions within the specified period. *See* 8 CFR 1240.26(d), 1240.26(c)(3).

orders that could preclude an alien's removal. *See Alien File, Index, and National File Tracking System of Records,* 82 FR 43556, 43559–60 (Sept 18, 2017). Therefore, DHS can confirm that an alien is subject to a final executable removal order or voluntary departure order by verifying that all appeals or motions have been exhausted that would otherwise stay the alien's removal. DHS also maintains certain departure records that can help verify whether an alien has departed.[17]

Moreover, the alien's immigration court records will typically demonstrate that the alien was aware of the obligation to depart the United States and, when combined with the alien's failure to do so, will ordinarily raise a sufficient inference that the alien willfully or voluntary failed to depart. Indeed, when an alien is granted voluntary departure, the alien is informed by the Immigration Judge that the alien must depart within the allotted time and that failing to do so will subject the alien to civil monetary penalties. *See* 8 CFR 1240.26(l). The Immigration Judge also issues a written voluntary departure order that provides further notice of the alien's obligations and potential penalties. *See* INA 240B(d)(3), 8 U.S.C. 1229c(d)(3). An alien who is subject to a final order of removal issued by an Immigration Judge will have received the relevant warning earlier in the proceedings. *See* INA 240(c)(5), 8 U.S.C. 1229a(c)(5); 8 CFR 1240.13(d). As with other records, DHS also has the ability to examine the alien's immigration court documents to verify that the alien received these warnings and was on notice of the departure obligations. Therefore, DHS's decision to impose civil monetary penalties will typically be based on incontrovertible records that establish that alien's liability for the penalty.

Given the straightforward and readily determinable nature of the failure-to-depart penalties, DHS anticipates that aliens will have limited grounds to contest them. For civil penalties under section 240B(d) of the INA, 8 U.S.C. 1229c(d), the BIA has held that an alien's ability to challenge his failure to depart is ''limited to situations in which an alien, through no fault of his or her own, is unaware of the voluntary departure order or is physically unable to depart.'' *Matter of Zmijewska,* 24 I&N Dec. 87, 94 (BIA 2007). For fines under section 274D(a)(1) of the INA, 8 U.S.C. 1324d(a)(1), DHS anticipates that an alien's ability to challenge them will also be limited to similar types of circumstances that indicate that the alien did not willfully fail to comply with a final removal order. Such circumstances might include situations where: (1) the alien did not receive notice of the removal order because it was sent to the wrong address or the alien's attorney did not inform the alien of the order; (2) the alien was not advised of his obligation to depart or of the consequences of failing to depart; or (3) the alien was prevented from departing because of circumstances such as hospitalization, incarceration, or because an embassy declined to issue a passport or travel documents. In these situations, aliens should be able to demonstrate through documentary evidence in their possession that their failure to depart was not voluntary or willful. Such evidence may include medical records after a hospitalization, evidence of a prior incarceration, or a letter from an embassy declining to issue a passport. With respect to lack of notice claims, as discussed above, DHS is often able to verify whether the alien received notice of the removal or voluntary departure order. The alien's failure to comply with the order after receiving notice of the consequences of doing so typically demonstrates that the alien is liable for the penalty absent other evidence.

DHS notes that there are other grounds in section 274D(a)(1) of the INA, 8 U.S.C. 1324d(a)(1), that could subject an alien to a civil monetary penalty and recognizes that this IFR's procedures apply to those penalties as well. Specifically, aliens who are subject to a final removal order can be fined for (1) willfully failing to make a timely application in good faith for travel documents; or (2) willfully failing or refusing to present for removal at the time and place directed by DHS. *See* INA 274D(a)(1)(B), (C), 8 U.S.C. 1324d(a)(1)(B), (C). Although the focus of this IFR is on fines related to failure to depart and unlawful entry, DHS has not excluded these other penalties from this IFR's coverage because these penalties are also readily verifiable by the alien's conduct and United States Government records.

Civil penalties under section 274D(a)(1)(B) of the INA, 8 U.S.C. 1324d(a)(1)(B), typically involve situations where an alien is in detention and the immigration officer is engaged in efforts to remove the alien, and the alien resists those efforts or refuses to take requested action necessary to secure travel documents. In these circumstances, the alien's liability for a civil monetary penalty will typically be based on the alien's actions that indisputably demonstrate that the alien is willfully failing or refusing to assist ICE's efforts to secure or finalize travel documents for the alien, including refusal to sign travel documents or requisite paperwork. *See, e.g., United States* v. *Ashraf,* 628 F.3d 813, 815–17 (6th Cir. 2011) (detailing the circumstances surrounding an alien's criminal conviction for refusal to cooperate with immigration officials to obtain travel documents). The alien's actions are based in fact and on the alien's observable conduct.

Similarly, civil penalties under section 274D(a)(1)(C) of the INA, 8 U.S.C. 1324d(a)(1)(C), for failure to report for removal, when aliens are not in detention, are also typically readily determinable based on an alien's actions. Aliens released from DHS custody after a removal order are issued an Order of Supervision (''OSUP''), Form I–220B. 8 CFR 241.5(a). Aliens released on an OSUP have final orders of removal and must appear at ICE offices for check-ins or to surrender for removal. Aliens released by ICE on OSUPs will be subject to conditions of release and reporting requirements based on the individual facts and circumstances. When ICE directs an alien on an OSUP to report for removal, and the alien fails to report as directed, this failure will typically demonstrate an alien's liability for a civil penalty for willfully failing to present for removal at the time and place directed by DHS absent evidence that the alien's failure to appear was due to circumstances beyond the alien's control.

Additionally, an alien released on an OSUP will normally be given a certain amount of time to provide evidence that the alien has applied for a passport or visited an embassy. ICE communicates this information to the alien in the OSUP. An alien's failure to apply for

[17] DHS acknowledges that it does not maintain comprehensive departure records for all aliens, particularly for aliens who cross land borders. *See Collection of Biometric Data From Aliens Upon Entry to and Departure From the United States,* 85 FR 74162, 74167 (Nov. 19, 2020) (''Persons departing the United States at the land border are not consistently subject to CBP inspection, as they are upon arrival. As a result, land departures may not be recorded accurately.''). However, DHS may rely on an alien's other actions in the United States that could indicate that the alien has failed to depart. Additionally, as discussed in Section II.C of this preamble, DHS is expanding the ability of aliens to provide departure information, such as by enabling aliens to use the CBP Home app to record their intention to voluntarily depart the United States and rescinding outstanding civil penalties for aliens that use the application to voluntarily depart. CBP, *CBP Home Mobile Application* (June 10, 2025), *https://www.cbp.gov/about/mobile-apps-directory/cbphome* [*https://perma.cc/K6WZ-6CZB*]; *see also* DHS, *DHS Announces It Will Forgive Failure to Depart Fines for Illegal Aliens who Self-Deport Through the CBP Home App* (June 9, 2025), *https://www.dhs.gov/news/2025/06/09/dhs-announces-it-will-forgive-failure-depart-fines-illegal-aliens-who-self-deport* [*https://perma.cc/8RBN-PACA*].

travel documents or visit an embassy within the allotted time period may serve to establish that the alien is liable for a civil monetary penalty for willfully failing or refusing to make a timely application in good faith for travel documents.

2. Current Process Does Not Align With These Penalties' Straightforward Nature

As explained in Section II.B of this preamble, the civil monetary penalty procedures in 8 CFR part 280 were designed in 1952 for fines against airlines and carriers that violate certain provisions of the INA designed to control the transport of aliens into the United States. In 1996, Congress authorized DHS's predecessor agency INS to also impose civil monetary penalties on aliens who enter the United States unlawfully or fail to depart. DHS has never updated the procedures in 8 CFR part 280 to account for this new authority because until recently the unlawful entry and failure-to-depart penalties have rarely been used. The Departments have now determined that this IFR is needed because procedures in 8 CFR part 280 do not align with the straightforward and readily determinable nature of these particular penalties and the context in which they arise.

First, the requirement that DHS must serve civil fine notices and civil monetary penalty decisions on the alien in person or by certified mail does not necessarily align with certain statutory requirements. Under the INA, all aliens within the United States, with limited exceptions, must register with DHS and notify DHS of their address and any change of address within ten days from the date of such change. *See* INA 262, 265, 8 U.S.C. 1302, 1305; *see also* 8 CFR 265.1. Moreover, upon initiation of section 240 removal proceedings, aliens are informed of their obligation to update any changes of address with DHS and EOIR. *See* INA 239(a)(1)(F), 8 U.S.C. 1229(a)(1)(F). Therefore, DHS believes that it should be able to serve the alien by routine mail for these civil monetary penalties, as DHS should be able to rely on an alien's responsibilities in reporting his or her address to the Government.

Second, the 30-day timeline for an alien to contest a penalty is unnecessary given both the context of these penalties and their straightforward nature. Most aliens subject to the failure-to-depart penalties have already been warned of their obligations to depart the United States during removal proceedings and that failure to do so may result in a penalty. Similarly, when an immigration officer apprehends an alien for unlawful entry, the officer interviews the alien, decides whether the alien is inadmissible, and informs the alien of the determination. In addition, where civil monetary penalties will be issued, the immigration officer will inform an alien that he or she is subject to civil monetary penalties for unlawful entry. In these circumstances, DHS believes that an alien does not need 30 days to review and respond to the fine because the alien is already on notice that his or her conduct constitutes a violation of the nation's immigration laws that could result in a penalty. Additionally, the need for a more limited appeal period is supported by the straightforward nature of these penalties and the limited grounds to challenge them as discussed above in this Section II.D.1 of this preamble.

The same is true of the in-person interview under 8 CFR 280.12. As discussed above, in the vast majority of cases, the alien's immigration records will demonstrate liability for the penalty. Similarly, for aliens who have entered unlawfully, the fact of apprehension by CBP for crossing the border illegally and the documented encounter will, in most cases, provide the basis for the civil monetary penalty. Accordingly, DHS believes that an in-person hearing adds no value in the context of civil monetary penalties for unlawful entry and failure to depart. Rather, if an alien disputes the penalty, DHS will be able to accurately resolve the challenge through the alien's written submission given the alien has limited grounds to challenge these determinations, as discussed in Section II.D.1 of this preamble.

Finally, an alien's ability under 8 CFR part 280 to appeal a civil penalty decision to the BIA raises similar concerns. As discussed above, the legal and factual predicates for these penalties are relatively straightforward and readily determinable based on information within DHS's and the alien's possession. The BIA has no unique expertise with these penalties because, until very recently, they have rarely been used. Therefore, the Departments believe that there is no operational need for the BIA to adjudicate administrative appeals of DHS decisions for civil monetary penalties under sections 240B(d), 274D(a)(1), or 275(b) of the INA, 8 U.S.C. 1229c(d), 1324d(a), or 1325(b), because these civil monetary penalties are both set and enforced by DHS and involve readily determinable information within DHS's possession. Accordingly, the Departments believe that BIA appellate review of these penalties is also unnecessary.

3. Need To Ensure That the Procedures Can Be Applied Efficiently and at Scale

Without this IFR, the current procedures under 8 CFR part 280 have the potential to become unnecessarily burdensome and cause unnecessary delay as DHS expands its use of the failure to depart and unlawful entry civil monetary penalties.

The current personal service requirement has already proven to be overly burdensome, costly, and unnecessary. Personal delivery may require burdensome manual efforts to locate the alien. It may further require the use of multiple DHS agents or officers to appear on location to ensure officer safety, and multiple attempts at personal service if not effectuated on the first attempt, thereby diverting officers from their other duties. Additionally, service by certified mail involves preparation of individual mailings in each case, including handwriting envelopes, which has proven to be costly and resource intensive and would become even more so as DHS expands its use of these civil penalties. Indeed, ICE estimates that the certified mail requirement costs the agency $23.53 for each civil monetary penalty, which includes certified mail fees, materials, and labor. Therefore, without the changes in this IFR, the certified mail requirement has the potential to hinder DHS's ability to apply these civil penalties at scale. Additionally, for the reasons discussed in Section IV.E of this preamble, DHS believes that service of these civil monetary penalties by ordinary mail is ''reasonably calculated under all the circumstances, to apprise'' aliens of the fines and ''afford them an opportunity to present their objections.'' *Mullane* v. *Cent. Hanover Bank and Tr. Co.,* 339 U.S. 306, 314 (1950).

The 30-day response period also has the potential to become administratively burdensome as DHS expands its use of these civil monetary penalties. A 30-day period for the alien to respond can lead to a growing number of outstanding NIFs that, when combined with the issuance of subsequent NIFs, can result in a growing backlog of civil penalties cases. As a result of the backlog, DHS would need to devote more time and resources towards managing, tracking, and closing out these NIFs. With more outstanding NIFs to manage, there is also an increased risk that some NIFs will slip through the cracks. As DHS expands the use of these civil monetary penalties, a longer response period has the potential to divert resources away from DHS's other immigration enforcement functions by requiring DHS to spend more time and resources on

simply managing the growing volume of outstanding NIFs.

Furthermore, the 30-day period requires DHS to stand by while the clock runs down. DHS cannot proceed with finalizing the NIF, including initiating the collection process. An administratively finalized NIF must go through ICE finance and the United States Department of the Treasury (''Treasury'') before the collection process can begin. The 30-day period delays Treasury's ability to generate and send collection notices and invoices to aliens. A reduced appeal window affords the alien appellate rights while enabling the collections process to move at a more reasonable pace.

Similarly, ICE has limited resources to conduct interviews, and, if requested by a significant number of aliens, providing these interviews could impact ICE's ability to perform other critical immigration enforcement functions including apprehending, detaining, and removing unlawful aliens. In these circumstances, ICE would likely need to re-calibrate how many civil penalties it could issue at a time and this, in turn, could unnecessarily impede ICE's ability to impose these penalties quickly and at a scale necessary to respond to the significant number of aliens who have unlawfully entered or failed to depart the United States.

The BIA appeal process raises additional concerns. The BIA has a large backlog of cases and appeals, and BIA appeals take a long time to resolve.[18] Indeed, the Departments estimate that the time from when the NIF is served until the final decision is issued could take more than a year given the BIA's backlog of cases. Therefore, if aliens begin appealing these decisions in significant numbers, this could significantly delay DHS's ability to reach final decisions on these fines in a large number of cases.

Moreover, the BIA appeals process itself involves several steps that take time and requires substantial agency resources. When an alien appeals a DHS fine decision, DHS will need to prepare the administrative record and forward it to the BIA. DHS is also responsible for issuing briefing schedules and receiving and forwarding briefs to the BIA.[19] Although these fines are typically relatively straightforward, ICE attorneys will also need to devote time to reviewing and potentially responding to the alien's appeal. Therefore, as DHS continues to expand its use of these civil penalties, BIA appeals involving these fines could occur with some frequency and impose unnecessary burdens on DHS and contribute to the BIA's backlog.

The Departments have considered streamlining the BIA process for appeals involving these civil penalties but have decided that it is more important that EOIR's resources are focused on their statutorily prescribed functions under the INA—adjudicating and reviewing appeals from section 240 removal proceedings and exercising authority with respect to other immigration-related functions explicitly provided in the INA. Indeed, if the BIA were to prioritize these cases over others, that action could impede the BIA's ability to decide other appeals in a timely manner, which could impact DHS's ability to secure final removal orders against aliens consistent with this Administration's enforcement priorities.

DHS acknowledges that it has issued a significant number of penalties to aliens in recent months using the process set forth in 8 CFR part 280, and very few aliens have contested them as discussed above in Section II.C of this preamble. However, DHS must ensure that the civil penalty procedures align with the straightforward nature of these penalties and do not hinder DHS's ability to apply these penalties efficiently in response to the scale of aliens who have violated the immigration laws and are subject to these monetary penalties. The current procedures collectively and individually have the potential to impede DHS's ability to issue and finalize these civil penalties at scale and in a timely and efficient manner that aligns with the straightforward nature and the circumstances under which these civil fines are issued.

The need for this IFR's more streamlined civil monetary penalty process is demonstrated by the sheer number of aliens who are potentially subject to the unlawful entry and failure-to- depart penalties. As noted in Proclamation 10888, *Guaranteeing the States Protection Against Invasion,* ''[o]ver the last 4 years, at least 8 million illegal aliens were encountered along the southern border of the United States, and countless millions more evaded detection and illegally entered the United States.'' 90 FR 8334. DHS estimates that approximately 1.5 million aliens entered or attempted to enter unlawfully (''encounters'') between ports of entry (''POEs'') in fiscal year 2024.[20] In addition, in March 2025, the Secretary of Homeland Security determined ''that an actual or imminent mass influx of aliens is arriving at the southern border of the United States and presents urgent circumstances requiring a continued federal response.'' *Finding of Mass Influx of Aliens,* 90 FR 13622, 13622 (Mar. 25, 2025).

Moreover, DHS data indicates that the percentage of aliens who are ordered removed or granted voluntary departure and whose removal order has not been executed or whose voluntary departure is not confirmed has significantly increased in recent years.[21] In fiscal year (''FY'') 2024, EOIR issued over 282,000 final removal orders, but 90 percent of those removal orders (255,000) were unexecuted, which may indicate a failure of those aliens to depart. In the same year, EOIR granted approximately 8,800 aliens voluntary departure orders, but only about 50 percent of these aliens confirmed their departures.[22] Additionally, based on EOIR Workload and Adjudication Statistics, there were almost 4 million pending section 240 removal proceedings in FY 2024 and even more as of the second quarter of FY 2025.[23] When completed, these cases may result in a substantial number of additional removal orders against aliens. Without additional action, there is a risk that many of these aliens may remain in the United States.

An alien's failure to depart has serious consequences for immigration enforcement and the adjudication of immigration cases. An alien's failure to comply with a removal order risks undermining the authority of

[18] EOIR Workload & Adjudication Statistics, *All Appeals Filed, Completed, and Pending* (Apr. 4, 2025), *https://www.justice.gov/eoir/media/1344986/dl?inline* [*https://perma.cc/C6T7-6JUQ*].

[19] *See* BIA Practice Manual ch.10.3(b), (c) (last visited June 17, 2025) (''Processing''), *available at https://www.justice.gov/eoir/reference-materials/bia/chapter-10/3* [*https://perma.cc/J5XQ-KEGN*].

[20] CBP, *Southwest Land Border Encounters, https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters* [*https://perma.cc/U6W3-GK3R*] (last visited Apr. 15, 2024) (showing monthly U.S. Border Patrol land border encounters).

[21] DHS Office of Homeland Security Statistics analysis of EOIR and DHS data. DHS acknowledges that this data may include aliens who have departed on their own and those who have not provided their departure information to the government prior, during, or after their self-departure. In these circumstances, the government would have this information only if provided by the alien, such as by using the CBP Home app to record their intention to voluntarily depart the United States. *See* CBP, *CBP Home Mobile Application* (June 10, 2025), *https://www.cbp.gov/about/mobile-apps-directory/cbphome* [*https://perma.cc/K6WZ-6CZB*].

[22] *Id.*

[23] EOIR Workload & Adjudication Statistics, *Pending Cases, New Cases, and Total Completions* (Apr. 4, 2025), *https://www.justice.gov/eoir/media/1344791/dl?inline,* [*https://perma.cc/6LXK-X9Q9*]. EOIR statistics reported 3,918,340 pending cases in FY 2024 and 3,923,439 pending cases as of FY 2025 (Second Quarter). The term ''pending cases'' includes all uncompleted cases in removal, deportation, exclusion, asylum-only, and withholding-only proceedings.

immigration courts and the integrity of this nation's immigration laws and processes. An alien's failure to comply also has enforcement costs—DHS must spend limited time and resources locating and apprehending these aliens—in addition to the costs expended by the Departments to prosecute and adjudicate the alien's removal proceedings to completion in the first instance. Similarly, an alien who fails to comply with a voluntary departure order has failed to uphold his end of the bargain despite being granted the privilege of voluntary departure. This action too risks undermining the overall integrity of the immigration system, and it risks further incentivizing aliens to simply ignore removal orders or voluntary departure orders.

Similarly, aliens who enter the United States unlawfully pose a significant strain on DHS resources and American communities and pose a threat to public safety and border security. *See* 90 FR 13622, 13623. DHS acknowledges that encounters between POEs have fallen significantly over the last few months, which DHS believes is a result of the Securing the Border IFR and final rule and the Trump Administration's efforts. *Securing the Border,* 89 FR 48710 (June 7, 2024) (IFR); *Securing the Border,* 89 FR 81156 (Oct. 7, 2024) (final rule); E.O.14165, *Securing Our Borders,* 90 FR 8467 (Jan. 20, 2025); Presidential Proclamation 10888, *Guaranteeing the States Protection Against Invasion,* 90 FR 8333 (Jan. 20, 2025). DHS believes, however, that additional action is needed to ensure that the Government continues to build on this progress and deter future unlawful entries, consistent with the Administration's objective of fully securing the border.

This IFR is a critical part of DHS's efforts to use all statutorily available tools to achieve the Administration's immigration enforcement and border security objectives. This includes issuance of civil monetary penalties to encourage aliens to comply with removal orders and voluntary departure orders and to deter unlawful entries. DHS has previously recognized that the efficacy of immigration enforcement measures depends on the Government's ability to apply them quickly and in proportion to the scale of the problem which, in turn, will reduce incentives that aliens may have to violate our nation's immigration laws.[24] Similarly, DHS must be able to do the same with civil monetary penalties covered by this IFR to ensure that these penalties have their intended deterrent effect. In sum, DHS believes that faster processing and broader application of these penalties will more effectively deter illegal entry and aliens illegally remaining in the United States after agreeing to voluntarily depart or receiving an administratively final order of removal.

Therefore, due to the significant increase in illegal immigration in recent years, DHS seeks to update the regulations that govern civil monetary penalties in an effort to maximize the use of all statutory provisions available to increase removal activity, disincentivize aliens from entering or remaining in the United States illegally, promote public safety, and ensure that DHS has an effective, workable process to issue and collect civil monetary penalties. *See* E.O. 14159, 90 FR 8443, 8444–45 (Jan. 20, 2025).

4. Why This IFR Is Needed

For the above discussed reasons, through this IFR, DHS is adding a new 8 CFR part 281 to govern the process for civil monetary penalties for unlawful entry and failure-to-depart to address the above concerns and to better ensure that the process aligns with the straightforward nature of these penalties and the need for DHS to impose them quickly and at scale.

Section IV of this preamble discusses these new procedures in detail. In short, DHS is streamlining the process for assessing and imposing civil penalties by: (1) removing the NIF process; (2) shortening the timeline for an alien to contest a civil penalty decision; (3) creating a simplified process for aliens to c8 u.s.contest civil penalties through a written appeal that will be decided by a DHS supervisory immigration officer, rather than the BIA; and (4) allowing DHS to serve civil monetary penalty decisions and orders by ordinary mail. DOJ is making conforming changes to its regulations.

In comparison to the process set forth in 8 CFR part 280, DHS believes these procedures will reduce potential and unnecessary administrative burdens and allow DHS to reach a final decision more quickly. These changes are needed to ensure that DHS can improve its efforts to impose these penalties while continuing to prioritize the apprehension, detention, and removal of aliens in the United States in violation of the immigration laws.

At the same time, for the reasons discussed more fully in Section IV.E of this preamble, DHS believes that these changes are consistent with due process. Under the new regulation, a supervisory immigration officer must issue a decision that informs the alien of the statutory and factual basis for the penalty and advises the alien of the requirements for filing an appeal. The alien has 15 business days to appeal and can use the appeal form that DHS has developed for these fines. If the alien files a timely appeal, a supervisory immigration officer who did not issue the initial decision will review the record de novo and may request additional evidence or information. DHS has determined that a shortened appeal period, elimination of the option for an in-person interview, and shift from BIA to DHS review better aligns with the nature of these fines, which typically turn on routine and straightforward determinations of fact that can be decided quickly on a written record. The revised process protects an alien's ability to contest the fine and better ensures that DHS can efficiently reach a final decision, which is critical to DHS's ability to use these statutorily authorized penalties swiftly and at the scale needed to respond to the large number of aliens who have entered the United States or remain unlawfully.

The Departments acknowledge that, in 2021, DHS rescinded the 2018 delegation orders that allowed ICE officers to enforce civil monetary penalties against aliens who unlawfully remained in the United States.[25] At the time, DHS explained that the civil penalty process was ineffective and did not encourage aliens to comply with departure obligations.[26] DHS also cited its need to focus limited enforcement and removal resources on aliens ''posing the greatest risk to national security and public safety in accordance with the [then] current guidance on civil immigration enforcement and removal priorities.'' [27] In an accompanying memo, ICE also noted the resources needed to impose these penalties ''outweigh[ ]'' the amounts that can be collected from ''a transient noncitizen population that generally lacks the means to pay.'' [28]

[24] For example, the Departments issued the Securing the Border IFR in 2024 to address sustained high encounter rates and illegal entries at the southern border. *See* 89 FR 48731. The Departments explained that the changes made in that rule were intended to ''maximize the consequences for those who cross unlawfully or without authorization [by] . . . deliver[ing] consequences swiftly to the highest proportion of individuals who fail to establish a legal basis to remain in the United States,'' 89 FR 48749, which in turn would ''reduce incentives for irregular migration'', 89 FR 48766.

[25] DHS, *DHS Announces Rescission of Civil Penalties for Failure-to-Depart* (Apr. 23, 2021), *https://www.dhs.gov/archive/news/2021/04/23/dhs-announces-rescission-civil-penalties-failure-depart* [*https://perma.cc/3PYD-7GDG*].

[26] *Id.*

[27] *Id.*

[28] *See* Memorandum for Tae D. Johnson, Acting Dir., ICE, from Corey A. Price, Acting Exec. Assoc.

Upon reconsideration, DHS believes that its limited experience implementing those civil monetary penalties in prior years does not demonstrate that these penalties are innately ineffective. At the time ICE rescinded prior failure-to-depart penalties in 2021, ICE had only 26 active penalties.[29] DHS now believes that it is not accurate to draw a broad generalization about the efficacy of these civil penalties based on the limited sample size. More importantly, as explained above, DHS believes that these civil penalties will be most effective if applied quickly and at scale. This IFR is needed to ensure that the process for imposing these penalties does not impede DHS's ability to do so. Indeed, ICE noted that the prior effort to implement the failure-to-depart civil monetary penalties ''pose[d] a significant resource drain to ICE in cases with pending appeals or where ICE [had] not yet issued a final decision to fine.'' [30] This IFR is designed to minimize these burdens by streamlining the process.

Additionally, DHS rescinded the prior delegations in part to focus limited enforcement and removal resources on aliens ''posing the greatest risk to national security and public safety in accordance with the [prior Administration's] guidance on civil immigration enforcement and removal priorities.'' [31] On January 20, 2025, President Trump directed that DHS enforcement resources should be focused on ''the successful enforcement of final orders of removal'' and the ''provisions of the INA and other Federal laws related to the illegal entry and unlawful presence of aliens in the United States.'' *See* E.O. 14159, *Protecting the American People Against Invasion,* 90 FR 8443, 8444 (Jan. 20, 2025). As explained above, that Executive Order also directed the Secretary to take all appropriate action to assess and collect ''all fines and penalties that [DHS] is authorized by law to assess and collect from aliens.'' *Id.* at 8444–45. This IFR is needed to facilitate DHS's ability to meet both directives. Quite simply, this IFR is intended to help ensure that DHS has a workable process for issuing civil monetary penalties against aliens who unlawfully entered or failed to depart the United States without unnecessarily diverting resources away from ICE's and CBP's missions to apprehend, detain, and remove aliens who have illegally entered and are unlawfully present.

Finally, with respect to ICE's prior determination that the resource burdens outweigh the amount that can be collected from a transient population of aliens that lacks the means to pay, as noted above, this IFR is intended to reduce potential resource burdens by streamlining the process. Moreover, DHS notes that the collection of civil monetary penalties is not the only goal. Maximizing the use of these civil penalties is intended to help incentivize illegal aliens who are subject to them to voluntarily leave the United States. To help achieve this objective, DHS has announced that it will rescind outstanding civil penalties in certain cases where an alien uses the CBP Home app to depart the United States as discussed in Section II.C of this preamble.[32] DHS intends this policy to create greater incentives for aliens who are subject to these penalties to depart, including aliens who do not have the means to pay these fines.[33]

Additionally, DHS, in coordination with Treasury, has made recent improvements to the collection process for the failure-to-depart civil monetary penalties. These efforts are intended to increase the U.S. Government's ability to successfully collect these fines, including through processes that allow DHS to more quickly send civil monetary fine packages to Treasury. On receipt of the civil monetary fine packages, Treasury can begin using its suite of collection methods, including call centers and skip tracing, to locate the alien and collect the fine. These changes to the collections process, in combination with this IFR's changes to the civil monetary penalty process, are intended to better ensure that DHS can more effectively enforce the collection of civil monetary penalties against aliens who choose to remain in the United States unlawfully rather than taking advantage of incentives to depart voluntarily.

In sum, DHS believes that this IFR's streamlined procedures, paired with incentives to depart and recent changes to the collections process, minimize ICE's prior concerns about the effectiveness of these penalties. Moreover, it is DHS's assessment that this IFR would still be needed, even if it does not fully resolve all of the challenges associated with enforcing these penalties against aliens, given the large number of aliens who have entered and remained in the country illegally under the prior Administration.

E. Scope of the Rule

This rule does not change the process for all civil penalties that DHS can impose under the INA. Rather, this rule addresses civil monetary penalties issued under sections 240B(d), 274D(a)(1), and 275(b) of the INA, 8 U.S.C. 1229c(d), 1324d(a), and 1325(b), and creates a revised process only for these specified penalties. The Departments believe it makes sense to streamline the process for adjudicating these penalties while retaining the current process for other INA civil penalties under 8 CFR part 280 that primarily relate to carrier violations.

The revised process is particularly appropriate for these three provisions because it will address a pressing need. Specifically, this IFR is needed to ensure that DHS can efficiently impose civil monetary fines in response to the large number of unlawful entrants and aliens who have failed to depart the United States, a population of high enforcement priority.[34] The Departments do not see a similarly pressing need to modify the process applicable to other civil penalties. In contrast to the potential difficulties that the existing process could create as applied to the large number of aliens in the United States who have entered unlawfully or have failed to depart, based on CBP data from October 1, 2022, to May 5, 2025, 1,428 carrier fines cases were initiated.

Additionally, the civil monetary penalties covered by this rule differ from other penalties that are issued by CBP using the process at 8 CFR part 280. Those penalties largely involve carrier fines that are issued against entities such as airlines, shipping lines, cruise

Dir., Enforcement and Removal Operations, ICE, *Re: Recission of Civil Penalties for Failure to Depart.*

[29] *Id.*

[30] *Id.*

[31] DHS, *DHS Announces Rescission of Civil Penalties for Failure-to-Depart* (Apr. 23, 2021), *https://www.dhs.gov/archive/news/2021/04/23/dhs-announces-rescission-civil-penalties-failure-depart* [*https://perma.cc/3PYD-7GDG*].

[32] *See* DHS, DHS *Announces It Will Forgive Failure to Depart Fines for Illegal Aliens who Self-Deport Through the CBP Home App* (June 9, 2025), *https://www.dhs.gov/news/2025/06/09/dhs-announces-it-will-forgive-failure-depart-fines-illegal-aliens-who-self-deport* [*https://perma.cc/8RBN-PACA*].

[33] In addition to rescinding outstanding civil penalties, DHS has announced that ''aliens who use the CBP Home App to self deport [will] also receive cost free travel and a $1,000 exit bonus paid after their return is confirmed through the app.'' *Id.; see also* Proclamation 10935, *Establishing Project Homecoming,* 90 FR 20357, 20357 (May 9, 2025) (establishing ''Project Homecoming, which will present illegal aliens with a choice: either leave the United States voluntarily, with the support and financial assistance of the Federal Government, or remain and face the consequences'').

[34] *Securing the Border,* 89 FR 48710 (June 7, 2024) (IFR); *Securing the Border,* 89 FR 81156 (Oct. 7, 2024) (final rule); E.O. 14165, *Securing Our Borders,* 90 FR 8467 (Jan. 20, 2025); Presidential Proclamation 10888, *Guaranteeing the States Protection Against Invasion,* 90 FR 8333 (Jan. 20, 2025).

lines, train and bus companies, and international bridge authorities for various violations under the INA. Such violations generally involve a carrier's, or its agent's, failure to meet a requirement of the INA regarding the arrival of alien crewmembers, passengers, and stowaways transported into the United States on their conveyance. Those penalties cover various conduct such as vessels or airlines failing to detain their alien crew until CBP inspection, *see* INA 254(a)(1), 8 U.S.C. 1284(a)(1), or bringing in alien passengers without valid passports and unexpired visas, *see* INA 273(a)(1), 8 U.S.C. 1323(a)(1). Some of these carrier fines may be subject to mitigation or other procedures unique to each authority. *See, e.g.,* 8 CFR part 273 (allowing carriers to seek a reduction, refund, or waiver of a fine imposed under section 273 of the INA, 8 U.S.C. 1323).

In comparison, this rule covers a more limited set of civil monetary penalties, involving aliens who enter the country unlawfully or fail to depart after a removal or voluntary departure order, including taking certain action that impedes removal. Additionally, unlike many of the other civil monetary penalties covered by 8 CFR part 280 applicable to carriers, aliens who are subject to unlawful entry and failure-to-depart penalties cannot seek mitigation. And, as discussed above in Section II.D of this preamble, the vast majority of cases involving the unlawful entry and failure-to-depart penalties typically turn on readily verifiable and straightforward determinations of fact, making it less likely that aliens will have grounds to contest these penalties. The Departments believe that these differences, in combination with the pressing need to address the scale of aliens who are subject to these penalties, supports this rule's more limited approach at this time.

III. Legal Authority

The Attorney General [35] and the Secretary issue this joint IFR pursuant to their respective authorities. The HSA, as amended, transferred many functions related to the execution of Federal immigration law to the newly created DHS. The INA, as amended, charges the Secretary ''with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens,'' INA 103(a)(1), 8 U.S.C. 1103(a)(1), and grants the Secretary the power to take actions ''necessary for carrying out'' the Secretary's authority under the provisions of the INA. INA 103(a)(3), 8 U.S.C. 1103(a)(3). As relevant to this rule, the HSA and the amendments to the INA now provide the Secretary with the authority to issue most civil monetary penalties authorized under the INA, including those authorized under sections 240B(d), 274D(a), and 275(b) of the INA, 8 U.S.C. 1229c(d), 1324d(a), 1325(b). *See* INA 103(a)(1), 8 U.S.C. 1103(a)(1) (reposing in the Secretary the authority to administer and enforce the immigration laws except as expressly reserved to the President, Attorney General, or Secretary of State); HSA 402(3), 6 U.S.C. 202(3) (charging the Secretary with carrying out the immigration enforcement functions vested by statute in, or performed by, the Commissioner of the former INS).

Within DHS, the HSA separated immigration functions and responsibilities into three principal components: CBP, ICE, and U.S. Citizenship and Immigration Services (''USCIS''). *See* 6 U.S.C. 211 (CBP); 6 U.S.C. 252 (ICE); 6 U.S.C. 271 (USCIS). ICE is generally responsible for immigration enforcement in the interior of the United States and CBP is generally responsible for immigration enforcement at POEs and along the borders of the United States. ICE and CBP both have the authority to administer civil monetary penalties related to certain violations of immigration law and immigration court orders, including those authorized under sections 240B(d), 274D(a), and 275(b) of the INA, 8 U.S.C. 1229c(d), 1324d(a), 1325(b). *See, e.g.,* 8 CFR part 280.

The Secretary may redelegate or confer any of the DHS functions and authorities with respect to the immigration laws at her discretion to any official, officer, or employee of DHS (including by means of successive redelegations). *See* INA 103(a)(4), 8 U.S.C. 1103(a)(4); 8 CFR 2.1; *see also Authority of the Secretary of Homeland Security; Delegations of Authority; Immigration Laws,* 68 FR 10922, 10922 (Mar. 6, 2003). The Secretary may delegate her authority in any manner she chooses, including by regulation, memorandum, directive, or other method. 8 CFR 2.1. Moreover, under section 102(a)(3) of the HSA, 6 U.S.C. 112(a)(3), all functions of DHS officers, employees, and organizational units are vested in the Secretary.

The HSA retains in DOJ, under the direction of the Attorney General, the functions of EOIR. *See* HSA 1101, 6 U.S.C. 521; *see also* INA 103(g)(1), 8 U.S.C. 1103(g)(1). Immigration Judges within EOIR have authority to conduct section 240 removal proceedings and to issue orders of removal or grant voluntary departure. *See* INA 240, 240B, 8 U.S.C. 1229a, 1229b. And the INA provides that the ''determination and ruling by the Attorney General with respect to all questions of law shall be controlling.'' INA 103(a)(1), 8 U.S.C. 1103(a)(1). Nothing in this IFR alters EOIR's or the Attorney General's authority over section 240 removal proceedings, including their authorities to issue removal orders and grant voluntary departure.

Rather, DOJ's involvement in this rulemaking is necessary because the existing EOIR regulations provide the BIA with appellate authority to review DHS decisions involving certain civil monetary penalties authorized under the INA, including those covered by this rule. *See* 8 CFR 1003.1(b)(4), 1280.1(b). Nothing in the INA precludes the Attorney General from exercising her authority to remove the BIA's appellate authority over these civil monetary penalties imposed by another agency. Rather, the statute—section 103(g)(1) of the INA, 8 U.S.C. 1103(g)(1)—provides authority to DOJ to issue regulations that govern EOIR. Furthermore, the statute, section 103(g)(2) of the INA, 8 U.S.C. 1103(g)(2), states that the Attorney General has authority to establish such regulations as are ''necessary for carrying out'' EOIR's responsibilities. To ensure EOIR's resources are focused on their statutorily prescribed functions under the INA—adjudicating and reviewing appeals from section 240 removal proceedings and exercising authority with respect to other immigration-related functions explicitly provided in the INA—DOJ has determined that it is necessary to amend its regulations to eliminate the BIA's appellate authority over these penalties.

This IFR specifically addresses DHS procedures for imposing civil monetary penalties under sections 240B(d), 274D(a)(1), and 275(b) of the INA, 8 U.S.C. 1229c(d), 1324d(a), 1325(b). Those statutes do not specify the procedures that immigration officers must follow to impose those civil monetary penalties, and they do not require DOJ review of any such fines.[36] Instead, those statutes only define the category of aliens who are subject to the

[35] In Attorney General Order Number 6260–2025, the Attorney General has exercised her authority under 28 U.S.C. 509 and 510 to delegate her authority to issue regulations related to immigration matters within the jurisdiction of EOIR to EOIR's Director.

[36] *Cf., e.g.,* INA 214(c)(14)(A), 8 U.S.C. 1184(c)(14)(A) (allowing for imposition of civil monetary penalties for certain H–2B nonimmigrant program violations only ''after notice and an opportunity for a hearing'').

specified penalties, set the amount, and authorize DHS to impose those penalties. Moreover, section 280 of the INA, 8 U.S.C. 1330, sets forth certain requirements for collecting civil monetary penalties, including those authorized under sections 240B(d), 274D(a)(1), or 275(b) of the INA, 8 U.S.C. 1229c(d), 1324d(a), 1325(b), but does not specify the procedures for assessing and issuing such penalties. Accordingly, the statute gives DHS discretion to employ the procedures it reasonably concludes are appropriate to assess and issue the authorized penalties.[37] *See Vt. Yankee Nuclear Power Corp.* v. *Nat. Res. Def. Council, Inc.,* 435 U.S. 519, 543 (1978) (''Absent constitutional constraints or extremely compelling circumstances the administrative agencies should be free to fashion their own rules of procedure and to pursue methods of inquiry capable of permitting them to discharge their multitudinous duties.'' (quotation marks omitted) (quoting *FCC* v. *Schreiber,* 381 U.S. 279, 290 (1965))).

IV. Discussion of Changes

A. Creation of Part 281

Regulations at 8 CFR part 280 govern DHS's imposition of civil monetary penalties for immigration violations. This IFR adds a new part, 8 CFR part 281, to govern the process for imposing civil monetary penalties under sections 240B(d), 274D(a)(1), and 275(b) of the INA, 8 U.S.C. 1229c(d), 1324d(a)(1), 1325(b).[38] As discussed in Section II.D of this preamble, the updated procedures streamline the process and enhance DHS's ability to issue civil monetary penalties at a scale needed to respond to the large number of aliens who have failed to depart under voluntary departure orders and removal orders in recent years. DHS believes that the updated procedures will allow DHS to more swiftly issue civil monetary penalties against aliens who unlawfully enter the United States and aliens who ignore removal and voluntary departure orders, which in turn will aid DHS's efforts to secure the border by further deterring unlawful entries and unlawful presence. To meet these goals, the IFR removes unnecessary and potentially burdensome procedures that are not statutorily required. In sum, Part 281 enables DHS to better execute its mission of safeguarding our homeland and enforcing the immigration laws, including those related to the illegal entry and unlawful presence. In addition, it is consistent with Executive Order 14159. *See* 90 FR 8443 (Jan. 20, 2025).

This IFR applies prospectively to actions to impose civil monetary penalties that are initiated on or after June 27, 2025. Aliens who had the procedures in 8 CFR part 280 initiated against them at the time of the effective date of this IFR would continue to be subject to those procedures, as well as the related DOJ provisions in 8 CFR parts 1003 and 1280. The IFR states these provisions are controlling where the alien had been served a NIF prior to the effective date of this rule. *See* 8 CFR 281.1(h). Under the rule, the provisions of 8 CFR part 281.1 will be applied prospectively to aliens against whom DHS seeks to impose civil monetary penalties on or after the effective date of this IFR.

B. Initiation of the Civil Penalty Process; Service of Decision and Order

The revised process no longer requires DHS to issue and personally serve NIFs and wait for any responses from the alien prior to issuing a decision. *Compare* 8 CFR 281, *with* 8 CFR 280. Rather, the IFR requires an immigration officer to initiate the process by issuing a decision and order imposing civil monetary penalties under sections 240B(d), 274D(a)(1), or 275(b) of the INA, 8 U.S.C. 1229c(d), 1324d(a)(1), or 1325(b). *See* 8 CFR 281.1(b), (c)(1).

The immigration officer's decision and order will inform the alien of the statutory basis for the penalty and the amount and type of the penalty being imposed, and will include a brief statement of the reasons for the decision. *See* 8 CFR 281.1(c)(1). This requirement ensures that the alien understands the basis for the penalty and has the requisite information in the event that the alien seeks to challenge the immigration officer's decision.

Furthermore, the decision and order will include advisals informing the aliens of their right to appeal, the process for such an appeal, the right to be represented by counsel at their own expense, and an opportunity to provide any supporting evidence or documentation to challenge the penalty. *See* 8 CFR 281.1(c)(2). These short and straightforward advisals are intended to give the alien notice of how to contest the civil penalty decision, including where and how to submit an appeal. These advisals also make clear that the alien can file a written defense or documentary evidence if the alien contests the penalty. *See* 8 CFR 281.1(c)(2)(iii). However, the alien is not required to submit such materials in connection with an appeal; the alien can simply submit a written notice indicating that the alien is appealing the decision.

The IFR also allows DHS to serve the decision and order of civil monetary penalties under sections 240B(d), 274D(a)(1), or 275(b) of the INA, 8 U.S.C. 1229c(d), 1324d(a)(1), or 1325(b), either in person or by routine service, as defined in 8 CFR 103.8(a)(1)(i), which includes regular mail. 8 CFR 281.1(d). As discussed above in Section II.D of this preamble, the existing procedures in 8 CFR part 280 unnecessarily require DHS to use personal service or certified mail to impose these civil penalties. For the reasons discussed in that Section, DHS believes that the Government should be able to serve the alien by routine mail because aliens have a legal obligation to report their address to the Government, including any change of address, aliens are advised of this requirement and DHS facilitates their ability to report any change of address, and DHS officers have access to aliens' address information that is contained in multiple systems, including those maintained by DHS components and EOIR. DHS also believes that this change will be less costly and burdensome than requiring service by certified mail or personal service, and increases DHS's ability to impose these civil monetary penalties.

It is worth noting that an NTA, which carries greater weight because its filing initiates section 240 removal proceedings, can be served by regular mail. INA 239(a)(1), 8 U.S.C. 1229(a)(1). Prior to 1996, the statute required the Government to use certified mail, but IIRIRA amended the provision to allow charging documents to be sent using other forms of mail (deleting the ''certified'' part). *See* INA 239(a)(1), (2), 8 U.S.C. 1229(a)(1), (2), *as amended by*

[37] Other related sections of the INA confirm that DHS has discretion to adopt reasonably appropriate procedures for these penalties. For example, sections 274A and 274C of the INA, 8 U.S.C. 1324a and 1324c, authorize civil monetary penalties against employers for certain immigration-related violations and persons for engaging in immigration document fraud. Those statutes—which Congress last amended in 1996 through IIRIRA, Public Law 104–208, 110 Stat. 3009–546, at the same time it authorized civil monetary penalties that are the subject of this IFR—set forth detailed procedures for DHS to bring civil monetary penalties against employers and aliens under those sections and for DOJ to adjudicate cases seeking such penalties. The language of these statutes demonstrates that when Congress intended to require certain procedures for civil monetary penalties under the INA, it ''knew how to do so.'' *Custis* v. *United States,* 511 U.S. 485, 492 (1994). Congress's omission of similar procedures for civil monetary penalties under sections 240B(d), 274D(a), or 275(b) of the INA, 8 U.S.C. 1229c(d), 1324d(a), 1325(b), indicates that Congress intended to give DHS the discretion to employ procedures that DHS reasonably believes are appropriate for such penalties.

[38] Section 275 of the INA, 8 U.S.C. 1325, also provides for criminal penalties for improper entry. This IFR does not address those provisions.

IIRIRA, Public Law 104–208, div. C, tit. III, secs. 304(a)(3), 308(b)(6), 110 Stat. 3009–546, 3009–587–88, 3009–615. The INA presently provides that service by mail ''shall be sufficient if there is proof of attempted delivery to the last address provided by the alien.'' INA 239(c), 8 U.S.C. 1229(c). In comparison, the INA is silent on the method of service for civil monetary penalties under sections 240B(d), 274D(a), and 275(b) of the INA, 8 U.S.C. 1229c(d), 1324d(a), and 1325(b). Therefore, this IFR will allow DHS to use routine service, including regular mail which in turn will lessen DHS's administrative burdens and appropriately provide an alien notice of the imposition of a civil monetary penalty.

C. Changing How an Alien Contests Civil Penalties

For the civil penalties covered by this IFR, the Departments are also streamlining the unnecessary and drawn-out process described in 8 CFR part 280 that applies when an alien contests a civil penalty. As discussed above, under 8 CFR part 280, an alien has 30 days to contest a civil penalty, which can be extended, can choose to have an in-person interview, and can appeal DHS's final decision to the BIA. Through this IFR, DHS is shortening the 30-day response period and creating a simplified paper appeals process that will be decided by a DHS supervisory immigration officer rather than the BIA.

First, an alien will have 15 business days to file a written notice of appeal to DHS. *See* 8 CFR 281.1(e)(1). If the alien responds by mail, DHS will calculate the timeliness of an appeal based on the date that the alien's appeal is postmarked. *Id.* Extensions to the appeal filing period are prohibited. Along with the notice of appeal, an alien may, but is not required to, provide a written defense or documentary evidence, or both, setting forth the reasons why a penalty should not be imposed. *Id.* The alien must file the notice of appeal in accordance with the filing instructions and to the address provided in the decision. *Id.* If the alien files a notice of appeal, the initial civil penalty decision will remain inoperative during the appeal. *Id.* If the alien does not file a notice of appeal with 15 business days, the initial decision and order imposing the civil monetary penalty will become final. *See* 8 CFR 281.1(f)(3).

Second, if an alien appeals, a supervisory immigration officer who did not issue the initial decision and order will review the alien's appeal within 10 days of receiving the appeal. *See* 8 CFR 281.1(e)(2). The officer may, in his discretion, call for additional briefing or written filings from the alien, and the alien shall have 15 days from the receipt of that request to provide the information. *Id.* The officer will also provide the alien with copies of pertinent documents and records relevant to the penalty, if the alien requests, unless they are law enforcement sensitive, or disclosure is prohibited by law. *See* 8 CFR 281.1(e)(3).

The supervisory officer will then decide the alien's appeal on the paper record; there is no option for the alien to request an in-person interview. *See* 8 CFR 281.1(e)(2). The record reviewed by the supervisory officer must include the initial decision and order, the evidence contained in the Department's administrative files, and any written filings, briefs, documentary evidence, or other relevant material timely filed by the alien in connection with the alien's appeal. *See* 8 CFR 281.1(e)(3). The officer will review this record de novo, including the initial decision and order imposing the civil monetary penalty, and any written argument and documentary evidence submitted by the alien. *See* 8 CFR 281.1(e)(2). The supervisory officer will issue a final decision on the administrative appeal within 45 days. *Id.*

Finally, the supervisory officer's decision is the final agency action unless the Secretary of Homeland Security certifies the decision for review as discussed below in Section IV.D of this preamble. *See* 8 CFR 281.1(f)(3). An alien cannot appeal the officer's decision to the BIA. Moreover, an alien cannot seek reopening or reconsideration of the decision. However, this IFR preserves DHS's ability to sua sponte reopen a decision at any time to reconsider and reduce or rescind the fine imposed as further discussed below in Section IV.D of this preamble. In sum, a civil penalty decision generally becomes final under the IFR's procedures, and DHS can begin collection efforts: (1) 15 days business days after DHS serves the initial decision and order if the alien does not contest the decision or fails to respond, or (2) no later than 45 days after the alien contests the fine. *See* 8 CFR 281.1(f)(2), (3).

As further discussed above in Section II.D of this preamble, these changes better ensure that DHS can finalize these straightforward civil monetary penalty decisions quickly and at scale, while also relaxing the filing requirements to ensure that if an alien contests the penalty, the alien can do so quickly. A shorter appeal period and a paper review process rather than an in-person interview better align with the straightforward and readily verifiable nature of these penalties. In the vast majority of these cases, DHS documentary evidence or conduct observed by an immigration officer will demonstrate the alien's liability for these penalties. Moreover, an alien will ordinarily possess the necessary information to quickly contest a decision if there are grounds to do so, including, for example, medical records after a hospitalization, criminal records after incarceration, documents indicating that the alien has applied for, or took steps to obtain, travel documents, or similar objective evidence demonstrating that the alien did not voluntarily or willfully fail to depart or did not receive notice of a removal or voluntary departure order. The longer period to contest a fine and ability to ask for an interview under 8 CFR part 280 would not enhance the accuracy, fairness, or reliability of the process for these civil penalties.

Similar reasons support the Departments' decision to remove the BIA's jurisdiction over appeals involving these civil penalties. There is no operational need for the BIA to adjudicate administrative appeals of DHS decisions for civil monetary penalties under sections 240B(d), 274D(a)(1), or 275(b) of the INA, 8 U.S.C. 1229c(d), 1324d(a)(1), or 1325(b), because these civil monetary penalties are both set and enforced by DHS and, as discussed throughout this preamble, are typically based on readily verifiable records and information within DHS's possession. Additionally, the BIA has no expertise with these fines, because only a handful have ever been appealed. Notably, DHS already exercises some review authority following a decision and order. *See* 8 CFR 1003.5(b). Under the current regulations, if an alien appeals DHS's determination, DHS may, rather than forwarding the record of proceeding to the Board, reopen and reconsider its decision if the disposition is to issue no penalties, or otherwise grant the benefit requested on appeal. *Id.* Therefore, this IFR will remove an operationally unnecessary and redundant process from the BIA's jurisdiction as it continues to address its backlog, and better facilitate DHS's internal handling of the civil monetary penalties process.

On the other hand, as explained in Section II.D.3 of this preamble, the BIA appeals process under 8 CFR part 280 could hinder DHS's ability to impose these penalties swiftly and at scale if aliens begin appealing them to the BIA in large numbers. This IFR better ensures that if an alien contests a civil monetary penalty, DHS can swiftly

resolve the alien's appeal within 45 days, compared to the BIA process which takes a much longer amount of time, requires many more steps, and imposes burdens on the Departments' resources.

In sum, the Departments have decided it is more appropriate for DHS to handle the appeals of decisions and orders of civil monetary penalties through this streamlined process under the new part 281. The revised procedures provide aliens with a meaningful opportunity to contest civil monetary penalties while balancing the Departments' interests in operating efficiently and fulfilling their missions.

D. Secretary Certification; DHS's Authority To Reopen

As noted above in Section IV.C of this preamble, under this IFR, a decision imposing a civil monetary penalty against an alien is generally final when either a supervisory immigration officer decides the alien's appeal, or the appeal period expires and no appeal is taken. This IFR, however, includes two exceptions. First, 8 CFR 281(e)(4) clarifies that the Secretary, or the Secretary's designee, may certify for review any decision to issue civil monetary penalties for violations under sections 240B(d), 274D(a)(1), or 275(b) of the INA, 8 U.S.C. 1229c(d), 1324d(a)(1), or 1325(b), and issue a new decision de novo. This change ensures that the Secretary maintains appropriate review authority and executive control over the actions of DHS.

Second, this IFR includes a provision allowing DHS to reopen a covered civil monetary penalty decision, in its sole discretion (*i.e.,* sua sponte), at any time to reconsider the decision and reduce or rescind the fine imposed. Prior to this IFR, the Department had the ability to reopen and reconsider fines rather than refer appeals to the BIA under 8 CFR 1003.5(b). As this IFR removes the BIA and its regulations from the process for the unlawful entry and failure-to-depart civil penalties after this IFR takes effect, DHS is adding a provision at 8 CFR 281.1(f)(1) to clarify that DHS continues to have discretion to reopen and reconsider these fines sua sponte.

The ability to reopen, reconsider, and reduce or rescind fines in its discretion enables DHS to make modifications to fines imposed when it is in the best interest of the parties. For example, as discussed above in Sections II.C and D.4 of this preamble, DHS is currently rescinding fines imposed against aliens who depart the United States voluntarily using the CBP Home app. Therefore, 8 CFR 281.1(f)(1) allows DHS to continue to do so after this IFR goes into effect. Moreover, if an alien is seeking to enter the United States on a visa, DHS may determine that a civil penalty previously imposed must be paid but may decide to reduce the amount of the fine to an amount payable by the alien. Quite simply, the ability for DHS to reopen, reconsider, and rescind or reduce fines provides DHS with flexibility to respond to changing policy goals and enforcement directions, consistent with DHS's broad discretion over whether and how to take enforcement actions against aliens who violate the immigration laws.[39]

Moreover, this authority is appropriate because it will ensure that DHS has a mechanism to reopen, reconsider, and rescind or reduce a civil monetary penalty decision that was issued erroneously if DHS becomes aware of information that calls into question the validity of the decision or the amount of the penalty imposed. In this regard, DHS notes that when a discretionary determination is made by DHS to reopen, reconsider, and rescind or reduce a fine, this change will always be to the benefit of an alien as it results in the reduction or elimination of a fine previously imposed. At the same time, 8 CFR 281.1(f)(1) also makes clear that an alien has no right to seek reopening and reconsideration. DHS believes that allowing aliens to seek reopening and reconsideration, even under a heightened standard, would create an unacceptable risk that a large number of aliens would request reopening, which in turn could impede DHS's ability to issue final decisions quickly and at the scale needed to address the serious challenges created by unchecked illegal immigration and unlawful presence.

E. Ensuring Procedural Safeguards

The procedures in 8 CFR part 281 are consistent with the requirements for due process established by the Supreme Court in *Mathews* v. *Eldridge,* 424 U.S. 319, 335 (1976). In that decision, the Court identified three factors should be considered when a Government action deprives a person of a property interest: (1) ''the private interest that will be affected by the official action''; (2) ''the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards''; and (3) ''the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.'' *Id.*

First, in issuing this IFR, the Departments have sufficiently taken into account an alien's property rights, *i.e.,* the alien's loss of property resulting from imposed civil monetary penalties. In many cases, the civil penalty amount will be modest, particularly for aliens who are subject only to fines for unlawful entry or for failure to depart after a voluntary departure order.[40] Therefore, in these cases, the degree of the potential deprivation is more limited. In other cases, the Departments acknowledge that these civil monetary penalties can involve significant fines, particularly for aliens who fail to depart the United States after a removal order.[41] Even in these cases, however, the Departments believe that this IFR's procedures are sufficient in light of other factors discussed below.

Second, the Departments believe that this IFR's procedures are sufficient to ensure a low risk of error for these civil penalty determinations. As an initial matter, civil penalties for failure-to-depart are generally only issued following the completion of section 240 removal proceedings that resulted in the issuance of an order requiring the alien's departure from the United States. These aliens have already received due process through section 240 removal proceedings, where they have had an opportunity to contest any charges against them with respect to immigration violations and have had an opportunity to apply for relief. Importantly, an Immigration Judge has also typically warned these aliens of the penalties associated with violating certain immigration laws.[42] Aliens subject to section 275(b) of the INA, 8 U.S.C. 1325(b), are by definition intercepted while attempting to violate United States immigration laws. Existing DHS processes provide due process for the determination that the aliens have improperly and illegally

[39] As discussed above in Section II.C. and II. D.4 of this preamble, in 2021, DHS rescinded 26 civil monetary fines it had imposed as it determined they were inconsistent with DHS's policy goals and direction at that time.

[40] As discussed in Section II.A of this preamble, for civil monetary penalties under section 275(b) of the INA, 8 U.S.C. 1325(b), the statutory civil monetary penalty amount, which has been adjusted for inflation, ranges from $100 to $500 per entry or attempted entry, with higher penalties for repeat offenders. For civil monetary penalties under section 240B(d)(1) of the INA, 8 U.S.C. 1229c(d)(1)(A), Congress imposed a civil penalty of between $1,992 and $9,970, as adjusted for inflation, for failing to depart voluntarily during the period specified in the voluntary departure order.

[41] For civil monetary penalties for failure-to-depart after a removal order and for certain related conduct, section 274D(a)(1) of the INA, 8 U.S.C. 1324d(a)(1), provides a civil monetary penalty of not more than $998, after adjusting for inflation, for each day that the alien is in violation.

[42] For a discussion of the various procedural protections available during section 240 removal proceedings, see Section II.A. of this preamble.

entered the United States, and the imposition of a civil monetary penalty is a statutorily authorized consequence of those illegal actions.

Moreover, DHS believes that this IFR's revised procedures will sufficiently ensure that aliens have notice of the penalty decision and have a meaningful opportunity to challenge the decision, if necessary, through a simplified and streamlined process that better aligns with the straightforward nature of these penalties. As discussed above in Section IV.B of this preamble, the immigration officer's decision will contain information that informs the alien of the basis for the civil penalty, and it will provide advisals informing the alien of the right to appeal and the procedures that the alien must follow to file a notice of appeal. *See* 8 CFR 281.1(c). Given the straightforward nature of these penalties, DHS believes this information and these advisals will provide sufficient notice to the alien of the basis for the penalty and how to contest it. *See Mullane* v. *Cent. Hanover Bank & Tr. Co.,* 339 U.S. 306, 314 (1950) (stating that notice under due process must be of a sufficient nature as to reasonably convey the required information).

There are numerous safeguards through statute and regulation as well as real time technology [43] that enable DHS to have the confidence that routine service is ''reasonably calculated under all circumstances, to apprise'' aliens of the fine and ''afford them an opportunity to present their objections.'' *Id.* As noted above, in general, aliens in the United States are under specific statutory and regulatory obligations to register their presence and to keep the U.S. Government apprised of their current address while in the country.[44] Moreover, most aliens subject to the monetary penalties covered by this rule are warned of their address obligations upon initiation of section 240 removal proceedings, *see* INA 239(a)(1)(F), 8 U.S.C. 1229(a)(1)(F), and DHS is taking steps to ensure that all aliens are aware of, and comply with, registration and address requirements consistent with this Administration's policies.[45] DHS has a reasonable expectation that aliens will take these requirements seriously because failure to do so can result in a range of consequences including criminal penalties. INA 266, 8.U.S.C. 1306. Additionally, DHS provides convenient and reliable ways for aliens to update their addresses including through online portals, and immigration officers have access to current address data maintained in DHS and EOIR databases. Therefore, DHS believes that using ordinary mail for these civil monetary penalties, sent to the address most recently provided by the alien, is reasonably calculated to apprise aliens of the fine and that any additional benefits of certified mail are outweighed by its costs and DHS's interest in applying these penalties swiftly and at scale to address the sheer number of aliens unlawfully in the United States.

DHS is also simplifying the appeal process as discussed above in Section IV.C of this preamble. The foundation of due process is notice and an opportunity to be heard, and nothing in this rule eliminates either an alien's right to notice or an alien's opportunity to be heard on appeal. Rather, the revised process implements sufficient safeguards to preserve the alien's appellate rights. An alien may trigger an appeal by simply filing a notice of written appeal indicating that the alien is contesting the penalty. The alien may also, but is not required to, submit written argument or documentary evidence contesting the penalty. In either scenario, a supervisory immigration officer who did not issue the initial civil monetary penalty decision will review the record de novo, including the issuing officer's decision, the information that he relied on, and any written materials submitted by the alien. Therefore, the process provides meaningful appellate review by allowing the alien to have an additional layer of review through a supervisory immigration officer, one who was not involved in the initial decision and order of the civil monetary penalties. *See* 8 CFR 281.1(e). The officer may also request additional information from the alien if necessary, and the alien will have an opportunity to provide it.

If, on appeal, a supervisory immigration officer determines that the fine was improper, the notice of decision and order imposing the fine would be withdrawn. As such, DHS believes that these procedures minimize the ''risk of an erroneous deprivation.''

The Departments do not believe that additional procedural safeguards beyond those adopted in this IFR would enhance the reliability, fairness, or accuracy of these civil penalty determinations. As discussed above in Section II.D.1 of this preamble, civil monetary fines typically turn on routine and straightforward determinations of fact and the procedures established in this IFR present little risk of an erroneous deprivation of an alien's interest. *See Mathews* v. *Eldridge,* 424 U.S. at 335. Aliens intercepted while entering or attempting to enter the

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[43] ICE, *Online Change of Address Portal, https://portal.ice.gov/ocoa* (last visited June 10, 2025); *see also,* ICE *How to Change your Address* (Jan. 2025), *https://www.ice.gov/doclib/detention/checkin/changeAddress-en.pdf* [*https://perma.cc/AV3Q-Z2FU*].

[44] DHS acknowledges that, in *Jones* v. *Flowers,* 547 U.S. 220 (2006), the Supreme Court held that ''failure to comply with a statutory obligation to keep [one's] address updated'' does not mean the party ''forfeits his right to constitutionally sufficient notice'' and that the state was required to ''take additional reasonable steps to provide notice'' to a homeowner before taking the owner's real property. *Id.* at 232. The Court explained, however, that ''assessing the adequacy of a particular form of notice requires balancing the interest of the [Government] against the individual interest sought to be protected by [the due process clause]''. *Id.* at 229 (citations and quotations omitted). Here, DHS's interest in swiftly serving notices by ordinary mail, at the most recent address provided by the alien, outweighs any interest an alien may have in receiving notice by certified mail or through other methods of delivery. As an initial matter, this IFR involves civil *monetary* penalties, not the Government's exercise of ''extraordinary power against a property owner—taking and selling a house he owns.'' *Id.* at 239. Although these penalties can amount to substantial fines in some cases, the interests are not the same as those in *Jones.*

On the other side of the ledger, DHS's interests are more substantial than the state's interest—securing tax revenue—that was at issue in *Jones.* ''[C]ontrol over matters of immigration is a sovereign prerogative, largely within the control of the executive and the legislature'' that must ''weigh heavily in the [due process] balance''. *Landon* v. *Plasencia,* 459 U.S. 21, 34 (1982). As discussed above, DHS believes that it must be able to issue these fines quickly and at scale in response to the large number of aliens in the United States who are in the country illegally and subject to these fines. And DHS assesses that the most reasonable way to accomplish this goal is through this IFR's measures, including the provision allowing immigration officers to send notices by ordinary mail to the most recent address provided by the alien. Indeed, as discussed above, Congress has required aliens to provide up-to-date information about their location in the country, including any change of address, so that DHS can more effectively enforce the nation's immigration laws, which necessarily includes civil penalties. Moreover, in the removal context which is inextricably linked with the failure-to-depart civil monetary penalties, courts have held the Government's use of ordinary mail to serve aliens with notice related to their section 240 removal proceedings is permissible if aliens are warned about their address obligations and an alien's failure to update his address is no excuse. *Dominguez* v. *U.S. Att'y Gen.,* 284 F.3d 1258, 1259–60 (11th Cir.2002) (holding that an alien's due process rights not violated when the legacy INS sent a notice of a removal hearing by regular mail to an address that the alien had provided several years earlier); *see also Matter of Nivelo-Cardenas,* 28 I.&N. Dec. 68, 71 (BIA 2020) (collecting cases). Accordingly, DHS believes that the tax sale context of *Jones* does not transfer to this context, and DHS should be able to serve the alien by routine mail for these penalties, as DHS should be able to rely on both the alien's obligation to keep the Government apprised of his or her address while in the United States, including any change of address and the fact that DHS has provided readily accessible means for the alien to comply with the requirement to keep the Government apprised of his address.

[45] *See* E.O. 14159 *Protecting the American People Against Invasion,* 90 FR 8443, 8444 (Jan. 29, 2025); *Alien Registration Form and Evidence of Registration,* 90 FR 11793 (Mar. 12, 2025) (highlighting the requirement of alien registration, including updated addresses).

United States at an improper time or place are by definition violating section 275(b) of the INA, 8 U.S.C. 1325(b), and therefore the documented encounter serves as the only fact required to impose the penalty in these instances. Similarly, for the failure-to-depart civil penalties, the alien's removal order or voluntary departure order, evidence showing that the alien was aware of the order and was warned of the consequences of failing to depart, and other evidence (including the lack of departure records) indicating that the alien remains in the United States, will generally support an inference that the alien is liable for a civil monetary penalty, at least absent evidence indicating that the alien's failure to comply was not voluntary or willful.[46] Additionally, DHS anticipates that an alien whose failure to depart was not willful or voluntary should typically be able to demonstrate their claim through available documentary evidence within the alien's possession (*e.g.,* evidence of a stay of removal, incarceration, hospitalization, or evidence indicating that the alien has made an application for travel documents or visited their embassy).

Given these circumstances, DHS believes that a 30-day appeal window will not enhance the fairness of the civil penalty process because an alien does not need to prepare a complicated legal defense or evidentiary submission to challenge the civil penalty. Similarly, an in-person interview would not enhance the fairness or accuracy of the civil monetary penalty process because of the straightforward issues and types of evidence involved in these cases. If an alien, through no fault of his own, did not receive notice of the removal or voluntary departure order or was prevented from complying due to circumstances beyond his control, the alien can provide a written explanation and simple documentary evidence to support the claim. In these circumstances, DHS believes that an in-person interview would not add value. *See Mathews* v. *Eldridge,* 424 U.S. at 343–44 (considering for due process purposes both the nature of the issues to be decided and the nature of the evidence to be presented, such as whether it consists mainly of documents or whether the resolution of the issue hinges on the need for in person testimony).

Moreover, DHS believes that retaining BIA appellate review would not add value to the fairness or accuracy of the process for these civil monetary penalties. As discussed above in Section II.D.2, the BIA has no experience adjudicating these civil monetary penalties, and BIA review is unnecessary given these civil penalties typically turn on straightforward issues of fact within DHS's possession, rather than complicated questions of law. Finally, DHS believes that the appellate process provided by this IFR, which will be handled exclusively by DHS, will provide sufficient due process, including a second layer of review by a supervisory immigration officer who was not involved in the initial civil monetary penalty decision.

Finally, DHS believes that retaining the certified mail requirement would not increase the likelihood of aliens receiving notice of these fines. As discussed above in this Section of the preamble, DHS has reason to believe that many aliens will have an incentive to comply with statutory requirements to update their address with DHS, if necessary, because failure to do so can result in criminal consequences. In these circumstances, DHS believes that ordinary mail is reasonably calculated to reach the alien and certified mail would not add additional value. *See Tulsa Pro. Collection Servs., Inc.* v. *Pope,* 485 U.S. 478, 489 (1988) (''We have repeatedly recognized that mail service is an inexpensive and efficient mechanism that is reasonably calculated to provide actual notice.''). To be sure, a significant percentage of the illegal alien population will not respond to the notice, no matter how it is provided, because these aliens are fugitives hiding from ICE. And a proportion of this same population may fail to update their address to avoid being located. In these circumstances, requiring DHS to do more than send notice by ordinary mail to the last address provided by the alien would only reward an alien's evasion of service. *See Maghradze* v. *Gonzales,* 462 F.3d 150, 154 (2d Cir. 2006) (removal order proper where alien relocated and failed to provide a change of address). It would also impose unreasonable burdens on DHS's ability to utilize its civil monetary penalty authority. *See Mullane,* 339 U.S. at 317–18 (disavowing ''impracticable and extended searches . . . in the name of due process'').

Moreover, the Supreme Court has recognized that mailing notices through regular mail may provide better notice than certified mail or other methods in some circumstances. *See Jones,* 547 U.S. at 234–235. Providing better notice through a change in manner of service utilized is what this IFR intends to do. Indeed, ICE believes that, based on its experience, it is reasonable to assume that the use of regular mail may be more likely to reach aliens, including those who are attempting to evade detection by DHS or who have moved and failed to update their address. Aliens attempting to evade detection, or members of their household, may be more likely to refuse to answer the door for ICE officers, which would make personal service a fruitless option in many cases. The same could be true for certified mail; an alien who is evading detection, or other individuals at the alien's place of residence, may be less likely to sign for a notice from DHS, compared to standard mail where the postal worker simply places the notice in the mailbox at the alien's place of residence. Even if the alien has moved, and has failed to update his or her address, the Supreme Court has recognized that regular mail might result in the current occupant ''scrawl[ing] the [intended recipient's] new address on the notice packet and leav[ing] it for the postman to retrieve, or notify[ing the intended recipient] directly''. *Id.* at 235. And, finally, DHS notes that the regulation does not require DHS to use ordinary mail in every case. *See* 8 CFR 281.1(d). Rather, DHS has discretion to use other methods of delivery, which may be more appropriate depending on the circumstances.

At bottom, DHS acknowledges that, as with any process, including the processes under 8 CFR part 280, there is always a risk that an alien could be issued a civil penalty in error or not receive notice. However, ''procedural due process rules are shaped by the risk of error inherent in the truth-finding process as applied to the generality of cases.'' *Mathews,* 424 U.S. at 344. And here, DHS believes that in light of its experience and the straightforward nature of these civil penalty determinations, the risk of error is low. Moreover, this IFR allows DHS, in its sole discretion, to reopen a civil penalty decision to reconsider the determination and reduce or rescind the fine imposed, including if DHS becomes aware of information that indicates that an alien

[46] As discussed above in Section II.D.1 of this preamble, DHS acknowledges that there are other grounds in section 274D(a) of the INA, 8 U.S.C. 1324d(a), that could subject an alien to a civil monetary penalty and this IFR's procedures apply to those penalties as well. Aliens who are subject to a final removal order can be also fined for (1) willfully failing to make a timely application in good faith for travel documents; (2) willfully failing or refusing to present for removal at the time and place directed by DHS. *See* INA 274D(a)(1)(B), (C), (2), 8 U.S.C. 1324d(a)(1)(B), (C), (2). DHS similarly believes that this IFR's revised procedures are appropriate given the straightforward nature of those penalties and the limited grounds that aliens will have to contest them in most cases for the reasons discussed above in Section II.D.1 of this preamble,

was issued a civil monetary penalty erroneously. *See* 8 CFR 281.1(f).

Third, the Government's interest in the revised civil penalty process, including the function involved and the administrative burdens, are substantial under the *Mathews* v. *Eldridge* test. As discussed above in Section II.D.3 of this preamble, the significant increase in illegal immigration under the prior Administration requires DHS to use all of the statutory tools that Congress has provided, including civil monetary penalties, to restore the integrity of the nation's immigration laws and secure the border. DHS is issuing this rule in order to: (1) maximize its effort to use of these civil monetary penalties to disincentivize aliens from entering or remaining in the United States illegally; (2) promote public safety, and (3) ensure that DHS has an effective, workable process to issue these civil monetary penalties.[47] Without this rule, the civil penalty process has the potential to become overly burdensome which, as discussed above in Section II.D.3 of this preamble, could hinder DHS's ability to impose these penalties at scale to achieve this Administration's immigration enforcement and border security objectives. The streamlined process serves the Government interests set forth in Executive Order 14159, *Protecting the American People Against Invasion,* 90 FR 8443 (Jan. 20, 2025), and Executive Order 14165, *Securing Our Borders,* 90 FR 8467 (Jan. 20, 2025).

F. Severability

The changes impact provisions that are not necessarily interrelated and can function independent of one another. As such, the Departments believe that most of the provisions of this IFR can function sensibly and independently of other provisions. Therefore, in the event that any provisions in this rule are invalidated by a reviewing court, the Departments intend the remaining provisions to remain in effect to the fullest extent possible.

[47] Congress has authorized DHS to impose these civil monetary penalties and has specified the amount that can be imposed. The penalties and their amounts reflect Congress's considered judgment that the conduct involved—an alien's unlawful entry and failure to depart—is particularly serious and in some cases substantial fines are necessary to encourage aliens to comply with the immigration laws. *See Mathews* v. *Diaz,* 426 U.S. 67, 79–80 (1976) (''In the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens.''). *See also Landon,* 459 U.S. at 34 (noting under the *Mathews* test, that ''[t]he Government's interest in efficient administration of the immigration laws is weighty. Further, it must weigh heavily in the balance that control over matters of immigration is a sovereign prerogative, largely within the control of the Executive and the Legislature.'').

V. Statutory and Regulatory Requirements

A. Administrative Procedure Act

For the reasons described below, the Departments have issued this IFR without prior notice and opportunity for comment and without a 30-day delayed effective date. Notwithstanding the explanation below, the Departments nonetheless welcome post-promulgation comment on all aspects of this IFR.

1. Procedural Rule

The Departments may forgo notice-and-comment because this IFR is a rule of ''agency organization, procedure, or practice.'' 5 U.S.C. 553(b)(A). The procedural rule exception ''covers agency actions that do not themselves alter the rights or interests of parties, although it may alter the manner in which the parties present themselves or their viewpoints to the agency.'' *JEM Broad. Co., Inc.* v. *FCC,* 22 F.3d 320, 326 (D.C. Cir. 1994) (quoting *Batterton* v. *Marshall,* 648 F.2d 694, 707 (D.C. Cir. 1980)); *see also Mendoza* v. *Perez,* 754 F.3d 1002, 1023–24 (D.C. Cir. 2014).

This rule satisfies this standard. The IFR changes only the manner in which the Departments issue and adjudicate civil monetary penalties and the manner in which an alien may contest such penalties. The IFR does not require the imposition of any new penalties or otherwise change the substantive criteria for issuing penalties. It therefore ''impose[s] no new substantive obligations or burdens upon the parties' rights and interests.'' *Am. Fed'n of Lab. & Cong. of Indus. Organizations* v. *Nat'l Lab. Rels. Bd.,* 57 F.4th 1023, 1043 (D.C. Cir. 2023) (quoting *EPIC* v. *U.S. Dep't of Homeland Sec.,* 653 F.3d 1, 6 (D.C. Cir. 2011). For instance, while this IFR shortens the alien's response period compared to the process in 8 CFR part 280, the procedural rule exception applies to rules that alter the ''timetable for asserting substantive rights'' before an agency. *Lamoille Valley R. Co.* v. *I.C.C.,* 711 F.2d 295, 328 (D.C. Cir. 1983). Moreover, for the reasons discussed in this preamble, DHS believes that the 15-business-day appeal period provides an alien with ample time to contest the penalty. *Cf. id.* (holding that a rule moving up deadlines is not substantive unless ''the time allotted is so short as to foreclose effective opportunity to make one's case on the merits'').

In sum, this IFR pertains solely to agency procedures and practices regarding the processing of cases before DHS and DOJ. This IFR does not diminish or reduce any substantive rights of the parties utilizing those practices and procedures, and it does not change the substantive standards by which DHS evaluates civil monetary penalties under sections 240B(d), 274D(a)(1), and 275(b) of the INA, 8 U.S.C. 1229c(d), 1324d(a)(1), 1325(b).

2. Foreign Affairs

The requirements of 5 U.S.C. 553 do not apply to these regulatory changes because this rule involves a ''foreign affairs function of the United States.'' 5 U.S.C. 553(a)(1). Courts have held that this exception applies when the rule in question ''clearly and directly involves a foreign affairs function.'' *E.B.* v. *U.S. Dep't of State,* 583 F. Supp. 3d 58, 63 (D.D.C. 2022) (cleaned up). In addition, although the text of the APA does not require an agency invoking this exception to show that such procedures may result in ''definitely undesirable international consequences,'' some courts have required such a showing. *Rajah* v. *Mukasey,* 544 F.3d 427, 437 (2d Cir. 2008) (quotation marks omitted). This rule satisfies both standards.

This IFR is intended to facilitate DHS's ability to more effectively use statutorily authorized civil monetary penalties in response to the large number of unlawful entrants and aliens who have failed to depart the United States, a population of high enforcement priority. DHS believes that imposing these penalties at scale will, in turn, create disincentivizes for aliens to enter the United States unlawfully or remain after being ordered removed or granted voluntary departure.

Moving forward with actions like this IFR immediately will allow the United States Government to build on momentum with international partners to address shared challenges to border security and illegal immigration. The United States's border management strategy is predicated on the belief that migration is a shared responsibility among all countries in the region, and Executive Order 14150, *America First Policy Directive to the Secretary of State,* sets out the President's vision that ''the foreign policy of the United States shall champion core American interests and always put America and American citizens first.'' 90 FR 8337 (Jan. 20, 2025). In this regard, the Administration is actively engaged in negotiations including wide-ranging discussions with foreign partners on matters related to border security, such as to reduce illegal immigration [48] and advance

[48] For instance, on January 21, 2025, Secretary of State Marco Rubio spoke with Mexican Foreign Minister Juan Ramon de la Fuente to initiate bilateral talks on migration and security issues. *See Mexico's Top Diplomat Talks Security, Migration with New U.S. Counterpart,* Reuters (Jan. 22, 2025),

security in the United States and the region.[49]

For its foreign policy efforts to succeed in this regard, the United States must demonstrate its own willingness to put in place appropriate measures like this IFR that will allow DHS to more effectively use available tools to disincentivize, prepare for and respond to ongoing migratory challenges and unlawful immigration. This IFR is one part of this Administration's efforts to reduce unlawful migration to the United States, by using all available tools under the INA to increase the consequences for aliens who make the dangerous journey to the United States and enter the country unlawfully. Such efforts will demonstrate to international partners the Unites States's commitment to addressing migratory challenges. As discussed in Section II.D.3 of this preamble, although southern border encounters between POEs have fallen significantly over the last few months, this Administration has made it a priority to take all measures to ensure that DHS maintains operational control at the border in order to prevent large scale migration and our southern border from becoming overrun as occurred under the last Administration. Loss of operational control of the border results in large number of migrants making the dangerous journey to the southern border through neighboring countries.[50] Therefore, delaying implementation of measures like this IFR to combat and deter unlawful migration could undermine the momentum that this Administration has built with foreign partners towards the shared border security challenges.

Moreover, the Administration is actively engaged in negotiations with other countries intended to address the large number of illegal aliens in the United States, including aliens who have failed to comply with removal and voluntary departure orders.[51] These discussions include ensuring that other countries issue travel documents for their nationals for removal in a timely manner and approve removal flights from the United States in a timely manner.[52] These efforts also include coordination with other countries to support the Administration's efforts to encourage aliens to depart the United States voluntarily and return to their home countries, consistent with Presidential Proclamation 10935, *Establishing Project Homecoming,* 90 FR 20357 (May 9, 2025).[53] In sum, these actions indicate that the removal and voluntary return of aliens with no legal right to remain in the United States is a critical foreign policy objective of the United States.

Here too, for these foreign policy efforts to succeed, the United States must demonstrate that it is taking immediate action, including through measures like this IFR, to help achieve the purpose of these international efforts and negotiations: to encourage other countries to cooperate with the United States's efforts to remove illegal aliens and to incentivize aliens to depart the United States voluntarily and return to their home countries. For example, this IFR is intended to encourage removable aliens, through the use of civil penalties, to make efforts to obtain travel documents that other countries, as a result of international negotiations, have agreed to provide.[54] Moreover, as discussed above in Sections II.D and IV.D of this preamble, this IFR supports the Administration's efforts to incentivize aliens to depart the United States voluntarily and return to their home country and, therefore, implicates the United States' efforts to encourage other countries to support the voluntary return of their citizens.

Delaying enforcement measures like those adopted by this IFR would have undesirable consequences on the United States' ongoing foreign policy goals,

https://www.reuters.com/world/americas/mexicos-top-diplomat-talks-security-migration-with-new-us-counterpart-2025-01-22/ [*https://perma.cc/H9D7-USW7*]. On January 23, 2025, President Trump, in his call with Salvadoran President Nayib Bukele, discussed working together to stop illegal immigration and crack down on transnational gangs like Tren de Aragua to advance United States foreign policy objectives. *See* The White House, *Readout of President Donald J. Trump's Call with President Nayib Bukele* (Jan. 23, 2025), *https://www.whitehouse.gov/briefings-statements/2025/01/readout-of-president-donald-j-trumps-call-with-president-bukele/* [*https://perma.cc/XD6K-NZ4S*]. Similarly, Secretary of State Marco Rubio, speaking to Guyanese President Irfaan Ali, emphasized the need to address the crisis of illegal migration, and they both agreed to jointly address this regional challenge. *See* U.S. Department of State, *Secretary Rubio's Call with Guyanese President Ali* (Jan. 27, 2025), *https://www.state.gov/secretary-rubios-call-with-guyanese-president-ali/* [*https://perma.cc/7Y4H-45YG*].

[49] On February 1, 2025, the President expanded the scope of the national emergency declared in Proclamation 10886 of January 20, 2025, 90 FR 8327, to cover ''the failure of Mexico to arrest, seize, detain, or otherwise intercept DTOs, other drug and human traffickers, criminals at large, and illicit drugs,'' and announced ad valorem tariffs on articles that are products of Mexico as set forth in the President's order. *See* E.O. 14194, 90 FR 9117, 9118 (Feb. 1, 2025). Following discussions with the Government of Mexico, and after that country committed to immediately reinforce its northern border with 10,000 members of the Mexican National Guard, the President agreed to delay imposition of the tariffs by one month. *See* E.O. 14198, 90 FR 9185 (Feb. 3, 2025); *Mexico Deploys the First National Guard Troops to U.S. Border After Tariff Threat,* NPR (Feb. 6, 2025), *https://www.npr.org/2025/02/06/nx-s1-5288667/mexico-us-border-tariff-national-guard* [*https://perma.cc/H3HX-SXKE*]; *see also* E.O. 14197, 90 FR 9183 (Feb. 3, 2025) (discussing similar engagement with an international partner in efforts to stem drug trafficking and illegal immigration).

[50] *See, e.g.,* 89 FR at 81186 (noting that when there is a strain on resources due to a large number of aliens crossing the southern border illegally this situation creates ''incentives for migrants to make the dangerous journey to the southern border in the hope that the overwhelmed and under-resourced immigration system will not be able to expeditiously process them for removal'').

[51] For example, on January 26, 2025, the Government of Colombia agreed to accept without restriction all illegal aliens returned to Colombia from the United States, including on U.S. military aircraft, without limitation or delay. *See* The White House, *Statement from the Press Secretary* (Jan. 26, 2025), *https://www.whitehouse.gov/briefings-statements/2025/01/statement-from-the-press-secretary/* [*https://perma.cc/B5MT-2LXE*]. Furthermore, on January 27, 2025, President Trump had a productive conversation with Indian Prime Minister Narendra Modi, after which he said that India will ''do what's right'' in regard to illegal migration. Meryl Sebastian, *Trump Says India 'Will Do What's Right' on Illegal Immigration,* BBC News (Jan. 28, 2025), *https://www.bbc.com/news/articles/cj91z842wlmo* [*https://perma.cc/2NLS-AE8D*].

[52] It is critical to the ability of the United States to remove aliens that the aliens' countries of citizenship timely issue travel documents for their nationals for removal and that the countries approve removal flights from the United States. In bilateral engagements, this Administration has made it clear to other countries that it is their responsibility to facilitate the return of their nationals who do not have a legal basis to remain in the United States. A country's refusal to either issue travel documents for its nationals or authorize removal flights may carry consequences. For example, on January 26, 2025, Colombia's refusal to allow removal flights to land in Colombia led the United States to impose visa restrictions to indicate that reducing illegal immigration and removal of aliens with no legal right to remain in the United States is a critical foreign policy objective of the United States. *See* The White House, *Statement from the Press Secretary* (Jan. 26, 2025), *https://www.whitehouse.gov/briefings-statements/2025/01/statement-from-the-press-secretary/* [*https://perma.cc/B5MT-2LXE*]; U.S. Department of State, *Secretary Rubio Authorizes Visa Restrictions on Colombian Government Officials and their Immediate Family Members* (Jan. 26, 2025), *https://www.state.gov/secretary-rubio-authorizes-visa-restrictions-on-colombian-government-officials-and-their-immediate-family-members/* [*https://perma.cc/2NLS-AE8D*]; U.S. Department of State, *Ending Illegal Immigration in the United States* (Jan. 26, 2025), *https://www.state.gov/ending-illegal-immigration-in-the-united-states/* [*https://perma.cc/7L3M-TDTJ*].

[53] For example, on May 19, 2025, DHS conducted a voluntary charter flight form the United States to Honduras and Columbia, in coordination with those Governments, for aliens who opted to self-deport. *See* DHS, *Project Homecoming Charter Flight Brings Self-Deporters to Honduras, Colombia* (May 19, 2025), *https://www.dhs.gov/news/2025/05/19/project-homecoming-charter-flight-brings-self-deporters-honduras-colombia/* [*https://perma.cc/VXP9-6DSF*]. The participants were welcomed by representatives by representatives from their home governments, who also provided benefits and services to those aliens. *See id.*

[54] As discussed above in Section II.D of this preamble, DHS has authority to issue a civil monetary penalty against aliens who willfully fail or refuse to make efforts to obtain travel documents, willfully refusing to complete forms necessary to obtain travel documents, or willfully fail to report for removal at a time and place designated by DHS. *See* INA 274D(a)(1)(B), (C), 8 U.S.C. 1324d(a)(1)(B), (C).

including efforts to encourage other countries to issue travel documents and to support the United States' efforts to encourage aliens to return voluntarily to their home countries. Quite simply, if the United States is unable to demonstrate, through measures like this IFR, that it is committed to taking quick and robust action to remove aliens and encourage them to depart the United States voluntarily, which depend on international cooperation, countries may be less inclined to engage with the United States on these ongoing efforts in the future.

In addition, the Department of State recently described the foreign affairs aspect of immigration in its determination that ''efforts . . . to control the status, entry, and exit of people . . . across the borders of the United States'' constitute a foreign affairs function of the United States under the APA. In making this determination, the Department of State explained that ''[s]ecuring America's borders and protecting its citizens from external threats is the first priority foreign affairs function of the United States'' and noted that an unsecured border presents a range of threats to U.S. citizens, which can be eliminated or mitigated through the execution of the foreign affairs functions. *See Determination: Foreign Affairs Functions of the United States,* 90 FR 12200 (Mar. 14, 2025). This rulemaking will enable the United States to better achieve the total and efficient enforcement of U.S. immigration law and, accordingly, champion a core American interest in accordance with American foreign policy. *See id.*

3. Immediate Effective Date

The Departments have determined that this rule can take immediate effect, notwithstanding 5 U.S.C. 553(d), for three independent reasons.

First, for the reasons discussed above in Section V.A.1 of this preamble, this final rule relates solely to agency procedure and practice and thus is not subject to the 30-day effective date for ''substantive rules'' under 5 U.S.C. 553(d).

Second, for the reasons discussed in Section V.A.2 of this preamble, this rule involves a ''foreign affairs function of the United States.'' 5 U.S.C. 553(a)(1). Such rules are exempt from all requirements of 5 U.S.C. 553 including the 30-day effective date requirement at 5 U.S.C. 553(d).

Finally, although the Departments have not invoked the ''good cause'' exception at 5 U.S.C. 553(b)(B) as a basis to publish this IFR without prior notice and comment—the Departments have instead invoked the exceptions for procedural rules at 5 U.S.C. 553(b)(A) and for rules related to a ''foreign affairs function of the United States'' at 5 U.S.C. 553(a)(1)—there is ''good cause'' for this rule to take immediate effect pursuant to 5 U.S.C. 553(d)(3). *See Am. Fed'n of Gov't Emp., AFL–CIO* v. *Block,* 655 F.2d 1153, 1156 (D.C. Cir. 1981) (''different standards govern the applicability of the good cause exception to these requirements''); *see also McChesney* v. *Petersen,* 275 F. Supp. 3d 1123, 1137 (D. Neb. 2016) (''Good cause is more easily shown under [ ] 553(d).'' (citing *U.S. Steel Corp.,* v. *EPA,* 605 F.2d 283, 289 (7th Cir. 1979)), *aff'd sub nom. McChesney* v. *Fed. Election Comm'n,* 900 F.3d 578 (8th Cir. 2018). In assessing ''good cause'' under 5 U.S.C. 553(d)(3), ''an agency should balance the necessity for immediate implementation against principles of fundamental fairness which require that all affected persons be afforded a reasonable amount of time to prepare for the effective date of its ruling.'' *Omnipoint Corp.* v. *FCC,* 78 F.3d 620, 630 (D.C. Cir. 1996) (citation omitted). For the reasons discussed throughout this IFR, but particularly in Sections II.D.2, 3, 4 and V.A.2 above, the U.S. Government and the public have a strong interest in implementing this IFR quickly. Further, the ordinary reason for delay in a rule's effective date—to give members of the regulated community time to prepare and adjust their behavior—does not apply here because, as described in Section V.A.1 of this preamble above, the IFR does not affect any person's substantive rights but instead merely modifies the manner in which the Departments issue and adjudicate civil monetary penalties and how an alien may contest such penalties. Therefore, this IFR is effective on June 27, 2025.

B. Executive Order 12866 (Regulatory Planning and Review)

Executive Order 12866, *Regulatory Planning and Review,* 58 FR 51735 (Sept. 30, 1993), and Executive Order 13563, *Improving Regulation and Regulatory Review,* 76 FR 3821 (Jan. 18, 2011), direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. The Office of Management and Budget has determined that this rule is significant under Executive Order 12866.

This IFR will allow DHS to more quickly impose a greater number of civil penalties on aliens who have unlawfully entered the United States and those who remain after a removal or voluntary departure order. DHS has not assessed the extent to which this IFR will result in an increase in civil penalties collected by the Treasury. DHS believes that this effort will reduce potential agency resource burdens by streamlining the process, disincentivize future unlawful entries, and encourage greater compliance with removal and voluntary departure orders.

C. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This rule is not an Executive Order 14192 regulatory action because it is being issued with respect to an immigration-related function of the United States. The rule's primary direct purpose is to implement or interpret the immigration laws of the United States (as described in section 101(a)(17) of the INA, 8 U.S.C. 1101(a)(17)) or any other function performed by the United States Federal Government with respect to aliens. See OMB Memorandum M–25–20, Guidance Implementing Section 3 of Executive Order 14192, titled ''Unleashing Prosperity Through Deregulation'' at 5–6 (Mar. 26, 2025).

D. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (''RFA''), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. This IFR is exempt from the notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

E. Privacy Act

In accordance with the Privacy Act of 1974, *DHS/ICE–011 Criminal Arrest Records and Immigration Enforcement Records (CARIER) System of Records Notice* provides privacy coverage supporting the IFR consistent with system purpose (''To track the process and results of administrative and criminal proceedings, including compliance with court orders and hearing dates, against individuals who are alleged to have violated the INA or other laws enforced by DHS'') and categories of records in the system. 89 FR 55638 (July 5, 2024).

Additionally, *DHS/CBP–023 Border Patrol Enforcement Records, System of Records Notice* provides coverage supporting the IFR consistent with system purpose (''Enforcement-related data including: Case number, record number, and other data describing an event involving alleged violations of

criminal, immigration, or other laws (location, date, time, event category, types of criminal or immigration law violations alleged, types of property involved, use of violence, weapons, or assault against DHS personnel or third parties, attempted escape, and other related information); CBP encounter management information, including: Category (event categories describe broad categories of criminal law enforcement, such as smuggling and human trafficking), agent or officer, location of officer or officer's vehicle, date/time initiated, date/time completed, assets used for encounter (bike, horse, vehicle, etc.), results of the encounter, and any agent or officer notes and comments.''), 81 FR 72601 (Oct. 20, 2016).

F. Unfunded Mandates Reform Act of 1995

This IFR would not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

G. Congressional Review Act

This IFR is not a ''rule'' as defined by the Congressional Review Act, Public Law 104–121. *See* 5 U.S.C. 804(3)(C) (defining the term ''rule'' to exclude ''any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties''). DHS will nonetheless submit this IFR to both houses of Congress and the Comptroller General before the rule takes effect.

H. National Environmental Policy Act

DHS and its components analyze final actions to determine whether the National Environmental Policy Act of 1969 (''NEPA''), 42 U.S.C. 4321 *et seq.,* applies to them and, if so, what degree of analysis is required. DHS Directive 023–01 Rev. 01 [55] and Instruction Manual 023–01–001–01 Rev. 01 (''Instruction Manual'') [56] establish the policies and procedures that DHS and its components use to comply with NEPA.

NEPA allows Federal agencies to establish categories of actions (''categorical exclusions'') that experience has shown do not, individually or cumulatively, have a significant effect on the human environment and, therefore, do not require an environmental assessment (''EA'') or environmental impact statement (''EIS''). An agency is not required to prepare an EA or EIS for a proposed action ''if the proposed agency action is excluded pursuant to one of the agency's categorical exclusions.'' 42 U.S.C. 4336(a)(2). The Instruction Manual, Appendix A, lists the DHS Categorical Exclusions. For an action to be categorically excluded under DHS's Instruction Manual, the action must satisfy each of the following three conditions: (1) the entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.[57]

This IFR is categorically excluded from DHS's NEPA implementing procedures, because it satisfies all three relevant conditions. First, the Departments have determined that the IFR fits clearly within categorical exclusions A3(a) of DHS's Instruction Manual, Appendix A, for the promulgation of rules of a ''strictly administrative or procedural nature.'' This IFR merely changes the procedures that DHS and DOJ apply when assessing civil monetary penalties authorized under certain sections of the INA. This change in procedures does not result in a change in their environmental effect. Second, this IFR is a standalone rule and is not part of any larger action. Third, the Departments are not aware of any extraordinary circumstances that would cause a significant environmental impact. Therefore, this IFR is categorically excluded, and no further NEPA analysis or documentation is required.

I. Executive Order 13132 (Federalism)

This IFR would 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 section 6 of Executive Order 13132, the Departments believe that this IFR would not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

J. Paperwork Reduction Act

This IFR does not impose any new reporting or recordkeeping requirements or call for a collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.* This rule falls under the category of an administrative action or investigation involving an agency against specific individuals or entities and is therefore excluded from Paperwork Reduction Act requirements. 44 U.S.C. 3518(c)(1)(B) and 5 CFR 1320.4(a).

List of Subjects

8 CFR Part 281

Administrative practice and procedure, Immigration, Penalties.

8 CFR Part 1003

Administrative practice and procedure, Aliens, Immigration, Legal services, Organization and functions (Government agencies).

8 CFR Part 1280

Administrative practice and procedure, Immigration, Penalties.

DEPARTMENT OF HOMELAND SECURITY

Accordingly, for the reasons set forth in the preamble, the Secretary of Homeland Security amends 8 CFR chapter I subchapter B as follows:

■ 1. Add part 281 to read as follows:

PART 281—IMPOSITION AND COLLECTION OF PENALTIES UNDER SECTIONS 240B(d), 274D(a)(1), and 275(b) OF THE ACT

Sec.

281.1 Exclusive procedures for civil monetary penalties under sections 240B(d), 274D(a)(1), and 275(b) of the Act.
282.2 [Reserved]

Authority: 8 U.S.C. 1103, 1221, 1223, 1227, 1229, 1229c, 1253, 1322, 1323, 1325, 1324d, 1330; 5 U.S.C. 301; Public Law 107–296, 116 Stat. 2135 (6 U.S.C. 101 *et seq.*); 66 Stat. 173, 195, 197, 201, 203, 212, 219, 221–223, 226, 227, 230; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599.

§ 281.1 Exclusive procedures for civil monetary penalties under sections 240B(d), 274D(a)(1), and 275(b) of the Act.

(a) *Scope.* Notwithstanding any contrary provision of 8 CFR part 280, and except as otherwise provided in this section, the procedures in this section shall be the sole and exclusive procedures for the issuance and appeal of civil monetary penalties imposed by the Department under sections 240B(d), 274D(a)(1), or 275(b) of the Immigration

[55] DHS, Implementation of the National Environmental Policy Act, Directive 023–01, Revision 01 (Oct. 31, 2014).

[56] DHS, Implementation of the National Environmental Policy Act (NEPA), Instruction Manual 023–01–001–01, Revision 01 (Nov. 6, 2014).

[57] Instruction Manual 023–01–001–01 at V.B(2)(a) through (c) and Appendix A at A–1 and A–2.

and Nationality Act on or after June 27, 2025.

(b) *Authority of immigration officers.* Immigration officers of the Department of Homeland Security, as defined in 8 CFR 1.2, who have reason to believe that an alien has violated any of the provisions of the Act and has thereby become liable to the imposition of a civil monetary penalty under sections 240B(d), 274D(a)(1), or 275(b) of the Act are authorized to both issue decisions imposing civil monetary penalties under sections 240B(d), 274D(a)(1), or 275(b) as provided under paragraph (c) of this section and to review appeals involving such penalties as provided in paragraph (e) of this section.

(c) *Assessment of civil monetary penalty.* (1) *Decision and order.* If the immigration officer decides that a civil penalty shall be imposed under sections 240B(d), 274D(a)(1), or 275(b) of the Act, the decision and order shall contain the statutory basis for the penalty, the amount and type of the penalty being imposed, and a brief statement of the reasons for the decision.

(2) *Advisals.* The decision issued under paragraph (c)(1) of this section shall contain the following written information and advisals:

(i) That the alien has a right to an appeal and that a written notice of appeal must be postmarked within 15 business days from the date of service of the immigration officer's decision;

(ii) That any written notice of appeal must be submitted to the Department in accordance with the filing instructions provided in the decision and at the address specified in the decision;

(iii) That if the alien elects to submit a written defense or documentary evidence or both in connection with an appeal, the alien shall file these materials with the notice of appeal;

(iv) That the alien may be represented by counsel of his or her choice at no expense to the United States Government; and

(v) That if the alien does not file a timely written notice of appeal, the immigration officer's decision and order will become final, and the alien will be liable for the assessed civil penalty.

(d) *Service of the decision and order.* Notwithstanding § 103.8(c) of this chapter, the Department will serve the decision and order referenced in paragraph (c) of this section that imposes the civil penalties under sections 240B(d), 274D(a)(1), or 275(b) of the Act either in person or using routine service as outlined in § 103.8(a)(1)(i) of this chapter.

(e) *Appeal.* (1) *Filing requirements.* If the alien contests the immigration officer's decision issued under paragraph (c)(1) of this section, the alien shall file a written notice of appeal with the Department postmarked within 15 business days of the date of service of the decision. The alien may submit a written defense or documentary evidence or both setting forth the reasons why a civil penalty should not be imposed, provided that such materials are filed with the written notice of appeal. The alien shall file the written notice of appeal and any accompanying material with the Department in accordance with the filing instructions and at the address provided in the decision. The initial civil penalty decision under (c)(1) remains inoperative during the appeal period and while a timely administrative appeal is pending.

(2) *Review.* The alien's appeal will be reviewed by a supervisory immigration officer who did not issue the original decision. That designated supervisory immigration officer shall review the record de novo within 10 days after the notice of appeal is filed and may, in the officer's discretion, call for additional briefing or written filings from the alien. If the officer requests additional briefing or written filings from the alien, the alien shall have 15 days from receipt of that request to provide the information. In all cases, the designated supervisory immigration officer shall issue a final decision in writing no later than 45 days after the notice of appeal was filed and shall serve it on the alien in accordance with the rules for service described in paragraph (d) of this section.

(3) *Record.* The record reviewed by the supervisory immigration officer shall include the immigration officer's decision, evidence contained in the Department's administrative files, and any written filings, briefs, documentary evidence, or other relevant material timely filed by the alien in connection with the alien's appeal. If requested by the alien on appeal, the supervisory immigration officer shall provide copies of pertinent documentation and records relevant to the penalty unless such records are law enforcement sensitive or disclosure is prohibited by law.

(4) *Secretary of Homeland Security.* The Secretary of Homeland Security, or the Secretary's designee, may certify for review any decision to issue civil monetary penalties for violations under sections 240B(d), 274D(a)(1), or 275(b) of the Act and issue a new decision de novo.

(f) *Final decision; payment of penalties.* (1) *No further appeal.* There is no further appeal from a final decision and order issued under this section. The alien may not file a motion to reopen or reconsider a decision under this section. However, the Department may reopen a fine determination sua sponte at any time to reconsider the determination and reduce or rescind the fine imposed.

(2) *Notice of final decision.* At such time as the decision and order under this part is final, the supervisory immigration officer who issued the final decision shall furnish a copy of the decision and order to all other relevant immigration officers within the Department as designated by the Secretary of Homeland Security.

(3) *Final agency action.* The supervisory immigration officer's decision issued under (e)(2), or, if no appeal is taken, the decision issued under (c)(1), constitutes final agency action unless the Secretary of Homeland Security, or the Secretary's designee, certifies the decision for review under (e)(4).

(4) *Payment of penalties.* All civil monetary penalties assessed pursuant to sections 240B(d), 274D(a), or 275(b) of the Act shall be made payable to and collected by the Department.

(g) *Civil monetary penalty amounts.* For the current civil monetary penalty amounts for violations of sections 240B(d), 274D(a), or 275(b) of the Act, refer to the provisions in 8 CFR 280.53.

(h) *Grandfathering provision.* The issuance and appeal of civil monetary penalties imposed by the Department under sections 240B(d), 274D(a), or 275(b) of the Act are governed by the procedures provided in 8 CFR part 280, and, as applicable, the appellate procedures provided in 8 CFR parts 1003 and 1280, if the following conditions are met:

(1) A Notice of Intention to Fine under 8 CFR part 280 was issued prior to June 27, 2025; and

(2) That Notice of Intention to Fine was issued under sections 240B(d), 274D(a), or 275(b) of the Act.

§ 282.2 [Reserved]

DEPARTMENT OF JUSTICE

Accordingly, for the reasons set forth in the preamble and by the authority vested in the Director, Executive Office for Immigration Review, by the Attorney General Order Number 6260–2025, the Department of Justice amends 8 CFR parts 1003 and 1280 as follows:

PART 1003—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

■ 2. The authority citation for part 1003 continues to read as follows:

Authority: 5 U.S.C. 301; 6 U.S.C. 521; 8 U.S.C. 1101, 1103, 1154, 1155, 1158, 1182, 1226, 1229, 1229a, 1229b, 1229c, 1231,

1254a, 1255, 1324d, 1330, 1361, 1362; 28 U.S.C. 509, 510, 1746; sec. 2 Reorg. Plan No. 2 of 1950; 3 CFR, 1949–1953 Comp., p. 1002; section 203 of Pub. L. 105–100, 111 Stat. 2196–200; sections 1506 and 1510 of Pub. L. 106–386, 114 Stat. 1527–29, 1531–32; section 1505 of Pub. L. 106–554, 114 Stat. 2763A–326 to –328.

■ 3. Amend § 1003.1 by revising paragraph (b)(4) to read as follows:

§ 1003.1 Organization, jurisdiction, and powers of the Board of Immigration Appeals.

* * * * *

(b) * * *

(4) Decisions involving administrative fines and penalties, including mitigation thereof, as provided in part 280 of this chapter, except that appeals of decisions imposing any penalty under sections 240B(d), 274D(a)(1), or 275(b) of the Act may not be filed with the Board unless the conditions described in 8 CFR 281.1(h) are met.

* * * * *

PART 1280—IMPOSITION AND COLLECTION OF FINES

■ 4. The authority citation for part 1280 continues to read as follows

Authority: 8 U.S.C. 1103, 1221, 1223, 1227, 1229, 1253, 1281, 1283, 1284, 1285, 1286, 1322, 1323, 1330; 66 Stat. 173, 195, 197, 201, 203, 212, 219, 221–223, 226, 227, 230; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 104–134, 110 Stat. 1321.

■ 5. Amend § 1280.1 by revising the first sentence of paragraph (b) to read as follows:

§ 1280.1 Review of fines and civil monetary penalties imposed by DHS.

* * * * *

(b) *Adjudication of civil monetary penalty proceedings.* The Board of Immigration Appeals (Board) has appellate authority to review DHS decisions involving fines and civil monetary penalties imposed under 8 CFR part 280, as provided under 8 CFR part 1003, except that the Board shall have no authority to review any decision imposing a civil monetary penalty under sections 240B(d), 274D(a)(1), or 275(b) of the Act unless the conditions described in 8 CFR 281.1(h) are met. * * *

* * * * *

Kristi Noem,

Secretary of Homeland Security.

Sirce Owen,

Acting Director, Executive Office for Immigration Review, Department of Justice.

[FR Doc. 2025–11965 Filed 6–26–25; 8:45 am]

BILLING CODE 9111–CB–P; 4410–30–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[SATS No. PA–172–FOR; Docket ID: OSM–2020–0001; S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

Pennsylvania Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are approving an amendment to the Pennsylvania regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The amendment proposes to revise the Pennsylvania program to comply with four required amendments and to correct a provision we previously disapproved. The proposed amendment also includes revisions to Pennsylvania's program, including effluent limitations for bituminous underground coal mines, temporary cessation, the definition of Surface Mining Activities, civil penalties, and administrative requirements, as well as other administrative updates and non-substantive corrections.

DATES: Effective July 28, 2025.

FOR FURTHER INFORMATION CONTACT: Thomas J. Koptchak, Field Office Director, Pittsburgh Field Office, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220; Telephone: (202) 513–7685; Fax: (412) 937–2177; Email: *tkoptchak@osmre.gov*.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program
II. Submission of the Amendment
III. OSMRE's Findings
IV. Summary and Disposition of Comments
V. OSMRE's Decision
VI. Statutory and Executive Order Reviews

I. Background on the Pennsylvania Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its approved State program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. *See* 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Pennsylvania program on July 30, 1982. You can find background information on the Pennsylvania program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Pennsylvania program in the July 30, 1982, **Federal Register** (47 FR 33050). You can also find later actions concerning the Pennsylvania program and program amendments at 30 CFR 938.11, 938.12, 938.13, 938.15 and 938.16.

II. Submission of the Amendment

By letter dated March 16, 2020, (Administrative Record No. PA 906.00), Pennsylvania sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). This proposed amendment addressed four separate required program amendments codified at 30 CFR 938.16(m), (n), (o), and (mmm), and addresses the term ''augmented seeding.'' In 1983, we disapproved a prior attempted amendment of this term, as reflected in 30 CFR 938.12(d). The submission also includes numerous other revisions to the Pennsylvania program.

We announced receipt of the proposed amendment in the December 17, 2020, **Federal Register** (85 FR 81864). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. We did not receive any public comments related to the amendment, and we did not hold a public hearing or meeting because it was not requested. The public comment period ended January 19, 2021.

III. OSMRE's Findings

After reviewing the proposed amendment, SMCRA, and the Federal regulations, including 30 CFR 938.12, 938.16, 730.5, 732.15, and 732.17, we are approving the amendment as described below. Any revisions that we do not specifically discuss below concerning non-substantive wording, editorial changes, or renumbering of citations are approved here without discussion.

1. *Required Amendment at 30 CFR 938.16(m) (relating to Special Terms and Conditions for Collateral Bonds).*

This required amendment concerns the valuation of collateral bonds. On December 22, 1989, Pennsylvania submitted several proposed amendments that included a proposed restructuring of 25 Pa. Code 86.158. *See* 56 FR 24687, 24693 (May 31, 1991). At that time, Pennsylvania proposed to add

new subsection 25 Pa. Code 86.158(b)(1) to provide a procedure for determining the value of government securities that were pledged as collateral bonds. The corresponding Federal regulations at 30 CFR 800.21(a)(2) contain a similar provision but specify that the regulatory authority ''shall'' value all collateral at its current market value. We disapproved the proposed Pennsylvania rule because it provided that the regulatory authority ''may'' determine the current market value of securities for the purpose of establishing the value of securities for bond deposit, which we interpreted to mean that the valuation of securities for bond deposit was optional. We required that Pennsylvania further amend 25 Pa. Code 86.158(b)(1) to mandate that the value of all government securities pledged as collateral bond must be determined using the current market value. *See* 56 FR at 24693. This was codified at 30 CFR 938.16(m), which required Pennsylvania to amend 25 Pa. Code 86.158(b)(1) or otherwise amend its program by requiring that the value of the government securities pledged as collateral bonds will be determined by the current market value.

OSMRE Finding: In response to this required amendment, Pennsylvania has amended 25 Pa. Code 86.158(b)(1) to provide a procedure for determining the value of government securities pledged as collateral bonds and further required that the regulatory authority ''will'' determine the current market value of securities pledged as collateral bonds for the purpose of establishing the value of the securities for bond deposit, as required by the Federal regulations at 30 CFR 800.21(a)(2). With this change from the use of optional to mandatory language, we find that the amendment to 25 Pa. Code 86.158(b)(1) satisfies the requirements of 30 CFR 800.21(a)(2), is consistent with the Federal regulations, is in accordance with SMCRA, and can be approved. Therefore, the provision in the Federal regulations at 30 CFR 938.16(m), which tells Pennsylvania to amend its rules or program to require the value of all government securities pledged as collateral bond to be determined using the current market value, can be removed and the paragraph reserved.

2. *Required Amendment at 30 CFR 938.16(n) (relating to Special Terms and Conditions for Collateral Bonds).*

As part of the proposed restructuring of 25 Pa. Code 86.158, Pennsylvania previously proposed to add new subsection 25 Pa. Code 86.158(b)(2), which required the current market value of collateral bonds pledging negotiable securities to be at least equal to the amount of the required bond amount. *See* 56 FR at 24693. The counterpart Federal regulation at 30 CFR 800.21(e)(1) stipulates that the ''estimated bond value of all collateral bonds shall be subject to a margin which is the ratio of bond value to market value, as determined by the regulatory authority.'' 30 CFR 800.21(e)(1) also requires that the calculation of the margin take into consideration legal and liquidation fees, as well as value depreciation, marketability, and fluctuations that might affect the net cash available to the regulatory authority to complete reclamation.

While similar, the prior proposed version of 25 Pa. Code 86.158(b)(2) did not consider those factors that may affect the overall value of the posted collateral. As a result, the cash value of a security could be reduced to below the bond value. We approved the prior revision, except to the extent that the value of the collateral bond could equal the overall bond value without taking into consideration the effects of depreciation, marketability, and other factors on the amount of cash available from the bond. *See* 56 FR at 24693. We also required Pennsylvania to further amend its provisions related to valuation of collateral bonds to require that the estimated bond value of all collateral include consideration of the bond value as opposed to the market value, legal and liquidation fees, value depreciation, marketability, and other fluctuations that might affect the net cash available to the regulatory authority in case of forfeiture. This requirement was codified at 30 CFR 938.16(n).

OSMRE Finding: The Federal counterpart regulation, 30 CFR 800.21(e)(1), provides that the estimated bond value of all collateral bonds will be subject to a margin which is the ratio of bond value to market value, as determined by the regulatory authority. Moreover, the Federal regulation requires that the calculation of the margin take into consideration legal and liquidation fees, as well as value depreciation, marketability and fluctuation, which may diminish the action amount of cash available to the regulatory authority to complete reclamation. In response to the required amendment, Pennsylvania has amended 25 Pa. Code 86.158(b)(2) to require that the current market value, less any legal and liquidation costs, is at least equal to the amount of the required bond amount. We find that the amendment to 25 Pa. Code 86.158(b)(2) satisfies the requirements of 30 CFR 800.21(e)(2), is consistent with the Federal regulations, is in accordance with SMCRA, and can be approved. Therefore, the required program amendment codified in the Federal regulations at 30 CFR 938.16(n) can be removed and reserved.

3. *Required Amendment at 30 CFR 938.16(o) (relating to Special Terms and Conditions for Collateral Bonds).*

This required amendment concerns the revaluation of securities to be conducted during the permit renewal process in assurance that the bond value of all collateral bonds is adequate to satisfy the bond amount requirements for the facility. As part of the proposed restructuring of 25 Pa. Code 86.158, Pennsylvania previously proposed to add a new subsection at 25 Pa. Code 86.158(b)(3), which allowed the regulatory authority to periodically revalue negotiable government securities and, if necessary, to require additional amounts if the current market value is less than the required bond amount. *See* 56 FR at 24693.

The counterpart Federal regulations at 30 CFR 800.21(e)(2) contain similar provisions for periodical evaluation of the bond value of collateral, but the Federal regulations also stipulate that bonds must be evaluated as part of the regulatory authority's review of a permit renewal application. The Federal regulations at 30 CFR 800.21(e)(2) apply to all collateral bonds and not just those pledging negotiable government securities as contained in the State's rules for collateral bonds under 25 Pa. Code 86.158. We previously found Pennsylvania's proposed revisions to 25 Pa. Code 86.158(b)(3) were no less effective than the cited Federal rules, except to the extent that Pennsylvania law did not require that the bond value of all collateral bonds be evaluated, at a minimum, as part of the permit renewal process. *See* 56 FR at 24693. In addition, we required Pennsylvania to further amend its rules to ensure that the bond value of all collateral bonds be evaluated during the permit renewal process to ensure that collateral bonds are sufficient to satisfy the bond amount requirements. This requirement was codified at 30 CFR 938.16(o).

OSMRE Finding: In response to this required amendment, Pennsylvania has amended its current rule. In addition to the existing provision at 25 Pa. Code 86.158(b)(3), which allows the Pennsylvania Department of Environmental Protection (PADEP) to periodically revalue the securities and require additional amounts if the current market value is insufficient to satisfy the bond amount requirements, Pennsylvania has proposed to add: ''[a]t a minimum, the Department shall require any necessary additional

amounts with each permit renewal.'' As amended, 25 Pa. Code 86.158(b)(3) now matches the requirement that this review must occur at least at the time of permit renewal, as required by the Federal regulations at 30 CFR 800.21(e)(2). Accordingly, we find that the amendment to 25 Pa. Code 86.158(b)(3) satisfies the requirements of 30 CFR 800.21(e)(2), is no less stringent than the Federal regulations, is consistent with SMCRA, and can be approved. Therefore, the required program amendment codified in the Federal regulations at 30 CFR 938.16(o) can be removed and reserved.

4. *Required Amendment at 30 CFR 938.16(mmm) (relating to Haul Roads).*

This required amendment concerns the revision of the definition of ''haul roads'' and the clarification of the areas of inclusion. The requirement amendment codified at 30 CFR 938.16(mmm) required Pennsylvania to amend 25 Pa. Code 88.1 or otherwise amend its program by requiring the definition of ''haul roads'' to be expanded.

Pennsylvania had previously proposed to revise the definition of ''haul roads'' as it appears in the definitions section pertaining to anthracite region mining at 25 Pa. Code 88.1. *See* 58 FR 18149, 18156 (April 8, 1993). The proposed definition of ''haul roads'' included roads that are reconstructed or improved as part of the mining activity. However, we found that Pennsylvania's definition for ''haul roads'' was less effective than the Federal definition of ''road'' at 30 CFR 701.5, which establishes that haul roads include all roads (including public roads) that are used as an integral part of the coal mining operation and are comprised of the entire area within the right-of-way. *See* 58 FR at 18156.

OSMRE Finding: In response to this required amendment, Pennsylvania has amended 25 Pa. Code 88.1 in two places. First, it adds a sentence to the end of the definition for haul road reading ''[t]he term includes public roads that are used as an integral part of the coal mining activity.'' Second, Pennsylvania has rewritten the definition of road to read: ''[a] surface right-of-way for purposes of travel by land vehicles used in coal exploration of surface coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed shoulders, parking and side area, approaches, structures, ditches, surface and such contiguous appendages as are necessary for the total structure. The term includes access and haul roads constructed, used, reconstructed, improved or maintained for use in coal exploration or surface coal mining activities, including use by coal-hauling vehicles leading to transfer, processing or storage areas.''

The proposed amended definitions for ''Haul road'' and ''Road'' at 25 Pa. Code 88.1 provide the changes that we required in April 8, 1993 (58 FR 18156). Accordingly, we find that the amendment to 25 Pa. Code 88.1 satisfies the requirements of 30 CFR 938.16(mmm), is no less stringent than the Federal regulations, is consistent with SMCRA, and can be approved. Therefore, the required program amendment codified in the Federal regulations at 30 CFR 938.16(mmm) can be removed and reserved.

5. *25 Pa. Code 86.151(d)—Augmented Seeding (relating to the Bond Liability Period).*

As part of a prior amendment submission, Pennsylvania proposed to revise 25 Pa. Code 86.151(d) to add the following language: ''[a]ugmented seeding, fertilization, irrigation and repair of rill and gullies performed at levels or degrees of management which exceed those normally applied in maintaining use or productivity of comparable unmined land in die surrounding area, would necessitate extending the period of liability.''

The amendment was intended to clarify the extent to which approved husbandry practices may occur without extending the bond liability period. *See* 58 FR at 18154. We previously found that, while this language was similar to the Federal regulations at 30 CFR 816, 817.116(c)(4), those Federal regulations specifically exclude ''augmented'' seeding, fertilization, or irrigation from those selective husbandry practices that may be performed without extending the period of responsibility for revegetation success and bond liability. Although the intent of the prior proposed revision may have been to develop a rule that was no less effective than 30 CFR 816, 817.116(c)(4), the inclusion of ''augmented seeding'' caused the proposed language at 25 Pa. Code 86.151(d) to be less stringent than section 515(b)(20) of SMCRA (30 U.S.C. 1265(b)(20)), which prohibits all augmentative seeding, fertilization, irrigation or other work without restarting the liability period. Therefore, we did not approve the amendment's inclusion of the word ''augmented'' as proposed in the revised language of section 25 Pa. Code 86.151(d). *See* 58 FR 18149, 18154 (April 8, 1993).

OSMRE Finding: In its new proposal, Pennsylvania has amended 25 Pa. Code 86.151(d) to delete the term ''augmented'' in the last sentence, in accordance with 30 CFR 938.12(d). Accordingly, we find that the amendment to 25 Pa. Code 86.151(d) satisfies the requirements of 30 CFR 938.12(d), is consistent with the Federal regulations, is in accordance with SMCRA, and can be approved. Therefore, the non-approval of this provision that is codified in the Federal regulations at 30 CFR 938.12(d) can be removed and the paragraph reserved.

6. *25 Pa. Code 89.52—Effluent Limitations for Bituminous Underground Mines (relating to Water Quality Standards, Effluent Limitation, and Best Management Practices).*

Pennsylvania currently lists effluent limitations for bituminous underground mines at 25 Pa. Code 89.52 (relating to water quality standards, effluent limitations, and best management practices). 25 Pa. Code 89.52(f)(2) includes alternative effluent limitations for underground mine discharges that can be adequately treated using passive treatment technology. However, the Federal effluent limit guidelines at 40 CFR part 434 (relating to coal mining point source category best practicable control technology currently available (BPT) limitations, best available technology economically achievable (BAT) limitations, best conventional pollutant control technology (BCT) limitations, and new source performance standards (NSPS)) do not provide alternative limits for passive treatment systems applicable to underground mines.

Sections 515(b)(10) and 516(b)(9) of SMCRA (30 U.S.C. 1265(b)(10), 30 U.S.C. 1266(b)(9)), and the Federal regulations at 30 CFR 816.41 and 817.41 (Hydrologic-balance protection for surface mining and underground mining respectively), require that surface coal mining and reclamation operations must be conducted to minimize disturbance to the prevailing hydrologic balance and to the quantity and quality of water in surface water and groundwater systems, both during and after mining and during reclamation. When water treatment is unavoidable, the regulations at 30 CFR 816.42 and 817.42 specify that discharges must be made in compliance with applicable State and Federal water quality laws, regulations, and effluent limitations. These effluent limits and water quality standards include all applicable State and Federal water quality laws and regulations, including the effluent limitation guidelines and standards for coal mining as promulgated by EPA and set forth in 40 CFR part 434.

OSMRE regulations once included effluent limitation guidelines and standards for surface coal mining and reclamation operations, but these

standards were removed on October 22, 1982, and replaced with a reference to EPA's effluent limitation standards at 30 CFR 816.42 and 817.42. *See* 47 FR 47216, 47217 (Oct. 22, 1982); 48 FR 44006, 44008 (Sept. 26, 1983). This was done to eliminate unnecessary duplication and confusion between EPA's and OSMRE's standards and establish EPA as the responsible Federal agency for developing effluent limitation guidelines and standards as they relate to coal mining activities. *See* 85 FR 71251, 71255 (Nov. 9, 2020). Pursuant to its authority under the Clean Water Act (CWA) (33 U.S.C. 1251 *et seq.*), EPA promulgated effluent limitation guidelines and standards for various industrial categories. Coal mining industry requirements are found at 30 CFR part 434, which is split into various subparts, including subparts B., *Coal Preparation Plants and Coal Preparation Associated Area,* C., *Acid or Ferruginous Mine Drainage,* D., *Alkaline Mine Drainage,* E., *Post-Mining Areas,* and F., *Miscellaneous Provisions.* None of the effluent limit guidelines and standards provide alternative effluent limits for an underground mine discharge that can be adequately treated using a passive treatment system.

OSMRE Finding: Pennsylvania has proposed to revise 25 Pa. Code 89.52 to remove the alternative effluent limits for underground mine passive treatment systems that appeared at the end of 25 Pa. Code 89.52(f)(2)–(3). As a result, the more stringent Group A effluent requirements at 25 Pa. Code 89.52(c) continue to apply in the event of a postmining pollutional discharge, even if the discharge can be adequately treated by a passive treatment system. This was apparently done to comply with the Federal effluent limit guidelines at 40 CFR part 434, which do not provide alternative limits for passive treatment systems applicable to underground mines. Because the deletion does not cause the Pennsylvania program to become less effective than the Federal regulations and is in accordance with SMCRA, we approve of the proposed changes to 25 Pa. Code 89.52.

7. *25 Pa. Code 87.157, 88.131, and 88.219—Temporary Cessation.*

Pennsylvania has proposed revisions to 25 Pa. Code 87.157, 88.131, and 88.219 relating to temporary cessation of operations of bituminous surface mines. Pennsylvania's rules previously specified a 90-day limit on the amount of time that an operation can be in temporary cessation status, which could be extended to 180 days by PADEP. Pennsylvania has proposed to delete these limits at 25 Pa. Code 87.157, 88.131, and 88.219 to match the lack of such limits in the Federal regulations at 30 CFR 816.131(b). Pennsylvania has also proposed to amend these subsections to include provisions triggering information requirements from operators when temporary status ends due to reactivation or termination through the permittee's failure to comply with the law, regulations, or the permit. The proposal also includes the requirement for the permittee to submit timely renewal applications when applicable.

The Federal regulations addressing temporary cessation at 30 CFR 816.131 state that, before temporary cessation of mining and reclamation operations for a period of thirty days or more, or as soon as it is known that a temporary cessation will extend beyond 30 days, the operator must submit to the regulator a notice of intention to cease or abandon mining and reclamation operations. This notice must include a statement of the exact number of acres that will have been affected in the permit area prior to such temporary cessation, the extent and kind of reclamation of those areas that will have been accomplished, and identification of the backfilling, regrading, revegetation, environmental monitoring, and water treatment activities that will continue during the temporary cessation.

OSMRE Finding: Pennsylvania's proposed, amended versions of 25 Pa. Code 87.157, 88.131, and 88.219 comply with the Federal temporary cessation notice requirements at 30 CFR 816.131(b). The proposed deletion of the prior 90-day and 180-day limits for temporary cessation matches the Federal regulations, which do not provide any specific duration limit for temporary cessation. The proposed language for 25 Pa. Code 87.157, 88.131, and 88.219 also provides the requirements at 30 CFR 816.131(a) that the operator secure surface facilities in areas in temporary cessation status and that temporary abandonment will not relieve a person of their obligation to comply with any provisions of the approved permit.

Pennsylvania has proposed to add additional protective provisions not required by the Federal regulations at 30 CFR 816.131, including the requirement for submission of certain information following on resumption of coal extraction, that temporary cessation status will terminate on a finding of failure to comply with Pennsylvania mining laws or the approved permit, and that temporary cessation does not relieve the operator of the obligation to submit an application for permit renewal at least 180 days before the expiration of the existing permit.

We find that Pennsylvania's proposed changes are in accordance with SMCRA and no less effective than the Federal regulations. We find that that Pennsylvania's removal of the 90-day and 180-day upper time limits for temporary cessation status at 25 Pa. Code 87.157, 88.131, and 88.219 are no less stringent than 30 CFR 816.131, which contains no such limits. Therefore, we approve the changes.

8. *25 Pa. Code 86.1 and 87.1—Definition of Surface Mining Activities.*

Pennsylvania has proposed to replace the prior definition for ''surface mining activities'' as it appeared at 25 Pa. Code 86.1 and 87.1. The prior definition included a lengthy description of surface mining activities, which included certain enumerated activities incident to the extraction of coal. This definition has been the subject of review and comment about whether one or other activity incident to coal extraction fell within the definition. *See, e.g., Amerikohl Mining Inc.* v. *OSMRE,* 191 IBLA 11 (August 30, 2017) (finding that under certain circumstances, timbering on permit area amounted to surface mining activities).

Rather than continuously amending the definition of ''surface mining activities'' as the law develops, Pennsylvania has proposed to adopt the definition for ''surface coal mining activities'' as it appears in the Federal regulations at 30 CFR 701.5. The Federal regulations at 30 CFR 701.5 define ''surface mining activities'' as ''those surface coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over a coal seam, before recovering the coal, by auger coal mining, or by recovery of coal from a deposit that is not in its original geologic location.''

OSMRE Finding: We find that Pennsylvania's deletion of the definition of ''surface mining activities'' at Pa. Code sections 86.1 and 87.1, and replacement with the Federal definition at 30 CFR 701.5, is consistent with the Federal regulations and is in accordance with SMCRA. Therefore, we are approving Pennsylvania's proposed changes to the definition of Surface Mining Activities in 25 Pa. Code 86.1 and 87.1.

9. *25 Pa. Code 86.193(b) and (c) (relating to Civil Penalties).*

Pennsylvania has proposed to revise its civil penalty requirements at 25 Pa. Code 86.193(b) and (c). Currently, these regulations require PADEP to assess a civil penalty if the penalty is calculated at $1,100 or more but provides that

PADEP ''may'' assess a penalty if calculated below $1,100. Pennsylvania has proposed to strike the $1,100 threshold in both subsections and replace them with a threshold set at 31 assessed points, as it appears at 30 CFR 723.12(b)–(c).

30 CFR 723.12(b) requires that a penalty must be assessed for each notice of violation if the violation is assigned 31 points or more under the point system described in 30 CFR 723.13. 30 CFR 723.12(c) allows that a penalty may be assessed for each notice of violation assigned 30 points or less under the point system described in 30 CFR 723.13. In determining whether to assess a penalty, the assessor will consider the factors listed in 723.13(b).

OSMRE Finding: We note that Pennsylvania has drafted these changes in reference to the Federal regulations at 30 CFR Chapter VII, Subchapter B, which provides initial regulatory program regulations required by section 502 of SMCRA (30 U.S.C. 1252). The initial regulatory program regulations are effective until permanent programs are approved in accordance with sections 503, 504, or 523 of SMCRA, at which point 30 CFR Chapter VII, Subchapter L applies. 30 CFR 840.1. Because the Secretary of the Interior conditionally approved the Pennsylvania program effective July 31, 1982, the reference to the interim regulatory program regulation at 30 CFR 723.12 should be corrected to comparable permanent regulatory program regulation at 30 CFR 845.12; likewise, the reference to the table in the interim regulatory program regulations at 30 CFR 723.14 should be corrected to comparable table at 30 CFR 845.14 of the permanent program regulations.

However, the civil penalty regulations at 30 CFR 723.12 and 723.14 are substantively identical to those that appear at 30 CFR 845.12 and 845.14, and both have been updated at the same time. As such, even though Pennsylvania's proposed rules continue to reference the interim program regulations, these regulations are no less stringent than the correct permanent program regulations appearing at 30 CFR part 845. Because the two sections are substantively identical, this error does not make the Pennsylvania law less effective than the Federal regulations or inconsistent with SMCRA. However, we recommend that Pennsylvania correct these references in the future to avoid the possibility that the referenced portions of Part 723 and Part 845 become substantively distinct via future amendments.

Given that the proposed changes to 25 Pa. Code 86.193(b) and (c) do not include deletion of the reference to 25 Pa. Code 86.194, which specifies its own schedule and criteria for penalties without reference to a points schedule, it appears that Pennsylvania only wishes to set the threshold for a mandatory penalty assessment at the Federal rate rather than require penalty assessors in Pennsylvania assess the actual penalty with the schedule provided at 30 CFR 723.14. Under the current Federal penalty schedule, this change would effectively more than triple Pennsylvania's $1,100 mandatory penalty assessment threshold, as the current schedule at 30 CFR 723.14 sets the dollar amount owed for 31 points at $4,499. *See* 89 FR 23910 (Apr. 5, 2024). However, this would not make the Pennsylvania program less stringent than the Federal regulations, because it would match the Federal threshold for a mandatory penalty assessment. PADEP retains the ability to cite penalties below this threshold at its discretion as provided by 25 Pa. Code 86.193(c) and 30 CFR 723.12(c).

Because the proposed amendments to Pennsylvania's penalty assessment threshold at 25 Pa. Code 86.193(b) and (c) are in accordance with SMCRA and consistent with those set in the Federal regulations at 30 CFR 723.12, 723.14, 845.12, and 845.14, we approve the proposed changes.

10. *Remining Financial Guarantees to Insure Reclamation—General.*

A. 25 Pa Code 86.281

Pennsylvania is proposing revisions to their remining financial guarantees provisions at 25 Pa. Code 86.281. These largely provide PADEP with more discretion to apply this incentive on a broader, program-wide basis, rather than applying amounts provided for reclamation costs on a per-permit basis.

25 Pa. Code 86.281 through 86.284 were added by Pennsylvania as part of an effort to provide incentives for active coal mine operators to conduct remining and reclamation of abandoned mine lands and bond forfeiture sites by assisting the operators in meeting their obligation to bond these activities. These regulations established a Remining Financial Assurance Fund to financially assure bonding obligations for an operator engaged in remining, providing the requirements for an operator's participation, the limits of use of the fund, and the procedures to be followed in the event of bond forfeiture. Under this incentives program, PADEP reserves a portion of the financial guarantees special account in the Remining Financial Assurance Fund as collateral for reclamation obligations on the remining area. We previously found that this remining incentive was consistent with the provisions of SMCRA, and that the basic Pennsylvania program requirement to secure a bond for surface and underground coal mining operations had not been altered by this incentive. *See* 70 FR 25472, 25480 (May 13, 2005).

At 25 Pa. Code 86.281(b), Pennsylvania has proposed to require that the amount of an individual remining financial guarantee will be the estimated cost for PADEP to reclaim the remining area, subject to the limitations established at 25 Pa. Code 86.281(d). Pennsylvania has proposed to remove, at 25 Pa. Code 86.281(c), the requirement that PADEP designate a specified amount of the financial guarantees special account in the Remining Financial Assurance Fund to financially assure reclamation obligations on the permits with an approved remining area. Previously, this subsection was tied to each individual permit and fixed the specific amount designated at the estimated cost for PADEP to reclaim the remining area. This change is meant to allow PADEP to have flexibility to assign amounts at the program level rather than the individual permit level. Pennsylvania has also proposed to add references at 25 Pa. Code 86.281(d) identifying the designated amount when describing the permit limit, the operator limit, and the program limit of the special account. Finally, Pennsylvania proposes to add 25 Pa. Code 86.281(f) to describe a reserve for the account which provides funds to pay for costs incurred when the financial guarantee program is used for land reclamation.

OSMRE Finding: As we have previously noted, the remining financial guarantee incentive is not inconsistent with SMCRA or the Federal regulations. *See* 70 FR at 25480. These minor changes appear to ensure the stability of the program. The basic Pennsylvania program requirement to secure a bond for surface and underground coal mining operations has not been altered by these incentives. We find that, collectively, Pennsylvania's proposed revisions to 25 Pa. Code 86.281(b), (c), (d), and (f) ensure that the remining financial guarantee program for remining continues to operate in a manner that ensures solvency of the program and provides Pennsylvania with the monies that would be required if the remining bond was forfeited and the State has to reclaim the site. Because these revisions are in accordance with SMCRA and consistent with the Federal regulations, we approve the proposed changes to 25 Pa. Code 86.281.

B. 25 Pa. Code 86.282(a)(4)

25 Pa. Code 86.282 provides requirements for operators who wish to participate in the remining financial guarantees program, providing four subsections containing prerequisites for participation. One of these prerequisites, at 25 Pa. Code 86.282(a)(4), allows a qualified operator to participate in the fund when they have previously participated in the remining financial guarantee program, met its reclamation obligations, and made timely payments.

Pennsylvania has proposed to add to the end of the subsection a provision requiring that an operator will be eligible under this subsection if it has not been cited through a notice of violation under 25 Pa Code 86.165(a) (relating to failure to maintain proper bond) within the previous three years prior to the request for a remining financial guarantee. This is clearly meant as an effort to not permanently exclude involvement of an operator who once had a missing or late payment, after a sufficient time has passed.

OSMRE Finding: As above, we find that the basic Pennsylvania program requirement to secure a bond for surface and underground coal mining operations has not been altered by this incentive. We find that Pennsylvania's requirements in 25 Pa. Code 86.282(a)(4) stating the limitations of participation of operators who have missed and/or late payments and describing the time frame of said violations as a method of risk management are in accordance with SMCRA and consistent with the Federal regulations. Accordingly, we are approving additional participation requirement and limitation at 25 Pa. Code 282(a)(4).

C. 25 Pa. Code 86.284(d) (Relating to Forfeiture)

Pennsylvania has proposed revisions to 25 Pa. Code 86.284(d), which describes the consequences when a remining financial guarantee program participant's bond is forfeited. 25 Pa. Code 86.254(d) requires that on bond forfeiture of a financial guarantees program participant, PADEP will discontinue the program immediately and publish a notice in the *Pennsylvania Bulletin* if 25% or greater of the total outstanding financial guarantees are declared forfeit. Pennsylvania has proposed to remove the mandatory discontinuation of the program, providing that the program ''may'' be discontinued immediately, and to change the phrase ''declared forfeit'' to ''subject to forfeiture.'' Pennsylvania states that this revision is meant to prevent the confusion that has resulted from a difference between 25 Pa. Code 86.284(d) and Section 4.12 of tthe Pennsylvania Surface Mining Conservation and Reclamation Act (''PASMCRA'') (52 P.S. 1396.4l), which authorizes PADEP to establish the financial guarantees program.

OSMRE Finding: The proposed amendment would standardize the use of ''may'' at 25 Pa. Code 86.254(d) to match the wording that appears at 52 P.S. 1396.4l(d). As above, we find that the basic Pennsylvania program requirement to secure a bond for surface and underground coal mining operations has not been altered by this incentive. We find that Pennsylvania's proposed revisions are in accordance with SMCRA and consistent with the Federal regulations. Therefore, we are approving the changes to 25 Pa. Code 86.24(d).

11. *25 Pa. Code 90.201—Coal Refuse Disposal Site Selections.*

25 Pa. Code 90.201 provides definitions applicable to 25 Pa. Code Chapter 90 (Coal Refuse Disposal). The existing definition for ''preferred site'' included various types of watersheds impacted by mining, unreclaimed coal refuse disposal piles, or other unreclaimed areas previously affected by mining activities. Pennsylvania has proposed to add to the end of this list ''or an area adjacent to or an expansion of an existing coal refuse disposal site.''

Section 4.1(a) of Pennsylvania's Coal Refuse Disposal Control Act (CRDCA) (52 P.S. 30.54a(a)) provides site selection criteria for determining where to place coal refuse following mining activities. The CRDCA provided that areas that have been previously affected by mining activities within a specific area of the source mine are preferred for coal refuse disposal unless the applicant demonstrates that another site is more suitable based on site-specific conditions. Pennsylvania provided a definition of ''preferred sites'' at Section 4.1(a), 52 P.S. 30.54a(a) of the CRDCA that includes ''an area adjacent to or an expansion of an existing coal refuse disposal site.''

OSMRE Finding: We have previously approved several categories of ''preferred sites'' in 52 P.S. 30.54a(a) because there was no direct Federal counterpart to the proposed State language. *See* 63 FR 19802, 19806–09 (Apr. 22, 1998). We further noted that the establishment of criteria to be used for selecting sites for coal refuse disposal is not itself inconsistent with the intent of SMCRA. The Federal regulations do not include specific criteria for establishing coal refuse disposal areas. Allowing refuse disposal on areas adjacent to or an expansion of an existing coal refuse disposal site, provided that all other environmental and safety requirements are met, is not inconsistent with section 102(d) of SMCRA, 30 U.S.C. 1202(d), which requires surface coal mining operations to be conducted so as to protect the environment. That same rationale applies to our approval of the addition of the sixth category of a preferred site, an ''area adjacent to or an expansion of an existing coal refuse disposal site'' at 52 P.S. 30.54a(a). *See* 80 FR 63125, 63127 (October 19, 2015). Pennsylvania's proposed amendment would add this sixth category of preferred site to 25 Pa. Code 90.201.

We find that the proposed revision to 25 Pa. Code 90.201 reflects the statutory language that we previously approved on October 19, 2015. While there are no direct Federal counterparts to the proposed site selection criterion, by providing this criterion, and by prohibiting, generally, coal refuse disposal operations on non-preferred sites, Pennsylvania imposes a more stringent environmental control of coal refuse disposal operations than is provided in either SMCRA or its implementing regulations. Moreover, Pennsylvania will continue to apply the Pennsylvania counterparts to the Federal permitting and performance standard requirements. Because the revised regulation is in accordance with SMCRA and consistent with the Federal regulations, we are approving the revision.

12. *25 Pa. Code 86.31—Public Notices of Filing of Permit Applications.*

Pennsylvania has proposed to revise 25 Pa. Code 86.31 relating to public notices of filing of permit applications. Previously, 25 Pa. Code 86.31(c)(1) required notification by registered mail to the municipality where mining is proposed.

The Federal requirement at 30 CFR 773.6(a)(3) (relating to public participation in permit processing) requires that the regulatory authority will issue a written notification indicating the applicant's intention to mine the described tract of land, the application number or other identifier, the location where the copy of the application may be inspected, and the location where comments on the application may be submitted.

OSMRE Finding: While the Federal regulations require written notice to government agencies, the regulations do not specify the means by which written notice is given. We find that because there is no requirement of notification by registered mail in the Federal regulations, the revised regulation is in

accordance with SMCRA and consistent with the Federal regulations. Accordingly, we are approving the proposed change.

13. *25 Pa. Code 87.103, 88.93, 88.188, 88.293, 89.53, and 90.103 (relating to Storm Events).*

Pennsylvania has proposed revisions to 25 Pa. Code 87.103, 88.93, 88.188, 88.293, and 89.53, each containing a table of data representing the amount of precipitation for a 10-year, 24-hour storm event on a county-by-county basis. 25 Pa. Code 90.103 includes tables of similar data representing the 1-year and 10-year rainfall events. Pennsylvania's submission letter states that the tables were created using climatological data available in the early 1980s, at which time data was available for only a limited number of stations in each county.

Pennsylvania's submission makes it clear that it seeks to replace these data tables with data from the Precipitation Frequency Data Server (PFDS) developed by the National Oceanic and Atmospheric Administration (NOAA), which provides data from NOAA Atlas 14. NOAA Atlas 14 contains precipitation frequency estimates for the United States and U.S. affiliated territories with associated lower and upper bounds of the 90% confidence interval and supplementary information on temporal distribution of heavy precipitation, and analysis of seasonality and trends in annual maximum series data. Pennsylvania's incorporation of these data is meant to bring the storm event tables up to date.

OSMRE Finding: The Federal regulations at 40 CFR 434.11(n) define the terms ''1-year, 2-year, and 10-year, 24-hour precipitation events'' as ''the maximum 24-hour precipitation event with a probable recurrence interval of once in one, two, and ten years respectively as defined by the National Weather Service and Technical Paper No. 40, 'Rainfall Frequency Atlas of the U.S.,' May 1961, or equivalent regional or rainfall probability information developed therefrom.'' We find that the proposed changes to 25 Pa. Code 87.103, 88.93, 88.188, 88.293, 89.53, and 90.103, replacing the tables ''reference to data provided by the National Oceanic and Atmospheric Administration or equivalent resources,'' complies with the Federal regulations, which allow standards for such events to be set via ''equivalent regional or rainfall probability information.'' Because the proposed revisions are in accordance with SMCRA and consistent with the Federal regulations, we are approving the proposed revisions.

14. *25 Pa. Code 87.102, 88.92, 88.187, 88.292 (relating to Hydrologic Balance: Effluent Standards); 89.52 (relating to Water Quality Standards, Effluent Limitations, and Best Management Practices); and 90.102 (relating to Hydrologic Balance: Water Quality Standards, Effluent Limitation and Best Management Practices).*

Pennsylvania has proposed to amend 25 Pa. Code 87.102, 88.92, 88.187, 88.292, 89.52, and 90.102 to incorporate a reference to the Environmental Quality Board's Chapter 96, which became effective November 18, 2000 (30 Pa.B 6059). Chapter 96 establishes the process for attaining and maintaining water quality standards and cross-references in each of the identified sections.

OSMRE Finding: 25 Pa. Code 87.102(f), 88.92(f), 88.187(f), 88.292(f), 89.52(h), and 90.102(f) provide a list of chapters of the Pennsylvania Administrative Code with which the foregoing regulated activity must comply. Pennsylvania seeks to add Chapter 96 to these lists. Because the proposed revisions are in accordance with SMCRA and consistent with the Federal regulations, we are approving the proposed revisions.

15. *25. Pa. Code 86.54 and 87.100 (relating to Coal Ash and Biosolids).*

Pennsylvania has proposed to replace the use of the term ''fly ash'' with ''coal ash,'' and the term ''sewage sludge'' with ''biosolids or residential septage'' as those terms appear in 25 Pa. Code 86.54(1)(iii) and 87.100(d) respectively.

OSMRE Finding: ''Fly ash'' is already included, along with other materials, in the definition of ''Coal Ash'' at 25 Pa. Code 287.1. While ''sewage sludge'' is also defined at 25 Pa. Code 287.1, there are no mentions of ''biosolids'' or ''residential septage.''

Neither SMCRA nor the Federal regulations promulgated pursuant to the Act define these terms. Accordingly, we find that Pennsylvania's replacement of the terms ''fly ash'' and ''sewage sludge'' with ''coal ash'' and ''biosolids'' is consistent with the Federal regulations and in accordance with SMCRA. Therefore, we are approving the changes.

16. *25 Pa. Code 86.162(a) (relating to the Anthracite Mine Operator's Emergency Bond Fund).*

Pennsylvania has proposed to amend 25 Pa. Code 86.162 to delete the word ''deep'' from section 86.162(a) as clarification that other sorts of mine operations, in addition to deep mines, are eligible for participation in the Anthracite Mine Operators Emergency Bond Fund. In 1992, PASMCRA section 4.7 (52 P.S. 1396.4g) was revised to allow anthracite surface mining operators to participate. This proposed amendment is meant to bring Pennsylvania regulations into conformity with 52 P.S. 1396.4g.

OSMRE Finding: PASMCRA Section 4.7 (52 P.S. 1396.4g) provides for the anthracite mine operators emergency bond fund. We have previously approved modifications to this section that allowed anthracite surface mine operators to participate in the emergency bond fund. *See* 70 FR at 25476. We previously found that the emergency bond fund is not an alternative bonding system; it is an adjunct to the conventional bonding system for anthracite mining operations. Because no permit may be issued without adequate bonds being posted, allowing operators other than ''deep mine'' operators to use the fund would not make 25 Pa. Code 86.162 inconsistent with section 509 of SMCRA. Accordingly, we find that Pennsylvania's proposed amendment is consistent with the Federal regulations and in accordance with SMCRA, and we approve the changes.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment and received one comment, but that comment was completely unrelated to the subject matter of this amendment.

Federal Agency Comments

On March 18, 2020, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Pennsylvania program. We did not receive any comments.

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to get a written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). On March 18, 2020, under 30 CFR 732.17(h)(11)(i), we requested comments and concurrence from the EPA on the amendment (Administrative Record No. PA 906.01). On July 13, 2023, we received concurrence of the approval of the amendment from EPA. EPA further commented that the revisions do not alter the Clean Water Act.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On March 18, 2020, we requested comments on Pennsylvania amendment. Neither the SHPO nor ACHP responded to our request.

V. OSMRE's Decision

Based on the above findings, we are approving Pennsylvania's program amendment sent to us on March 16, 2020 (Administrative Record No. PA 906.00). To implement this decision, we are amending the Federal regulations at 30 CFR part 938, that codify decisions concerning the Pennsylvania program. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication.

VI. Statutory and Executive Order Reviews

Executive Order 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights

This rule would not cause a taking of private property or otherwise have taking implications that would result in public property being taken for government use without just compensation under the law. Therefore, a takings implication assessment is not required. This determination is based on an analysis of the corresponding Federal regulations.

Executive Order 12866—Regulatory Planning and Review and 13563—Improving Regulation and Regulatory Review

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance, dated October 12, 1993 (OMB Memo M–94–3), the approval of State program amendments is exempted from OMB review under Executive Order 12866. Executive Order 13563, which reaffirms and supplements Executive Order 12866, retains this exemption.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has reviewed this rule as required by section 3 of Executive Order 12988. The Department has determined that this **Federal Register** document meets the criteria of section 3 of Executive Order 12988, which is intended to ensure that the agency review its legislation and proposed regulations to eliminate drafting errors and ambiguity; that the agency write its legislation and regulations to minimize litigation; and that the agency's legislation and regulations provide a clear legal standard for affected conduct rather than a general standard, and promote simplification and burden reduction. Because section 3 focuses on the quality of Federal legislation and regulations, the Department limited its review under this Executive Order to the quality of this **Federal Register** document and to changes to the Federal regulations. The review under this Executive Order did not extend to the language of the State regulatory program or to the program amendment that the Commonwealth of Pennsylvania drafted.

Executive Order 13132—Federalism

This rule has potential Federalism implications, as defined under section 1(a) of Executive Order 13132. Executive Order 13132 directs agencies to ''grant the States the maximum administrative discretion possible'' with respect to Federal statutes and regulations administered by the States. Pennsylvania, through its approved regulatory program, implements and administers SMCRA and its implementing regulations at the State level. This rule approves an amendment to the Pennsylvania program submitted and drafted by the State, and thus is consistent with the direction to provide maximum administrative discretion to States.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on the distribution of power and responsibilities between the Federal government and Tribes. The basis for this determination is that our decision on the Pennsylvania program does not include Indian lands as defined by SMCRA or other Tribal lands, and it does not affect the regulation of activities on Indian lands or other Tribal lands. Indian lands under SMCRA are regulated independently under the applicable Federal Indian lands program. The Department's consultation policy also acknowledges that our rules may have Tribal implications where the State proposing the amendment encompasses ancestral lands in areas with mineable coal. We are currently working to identify and engage appropriate Tribal stakeholders to devise a constructive approach for consulting on these amendments.

Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Executive Order 13211 requires agencies to prepare a Statement of Energy Effects for a rulemaking that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not significant energy action under the definition in Executive Order 13211, a Statement of Energy Effects is not required.

National Environmental Policy Act

Consistent with sections 501(a) and 702(d) of SMCRA (30 U.S.C. 1251(a) and 1292(d), respectively) and the U.S. Department of the Interior Departmental Manual, part 516, section 13.5(A), State program amendments are not major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not include requests and requirements of an individual, partnership, or corporation to obtain information and report it to a federal agency. As this rule does not contain information collection requirements, a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon corresponding Federal regulations for which an economic analysis was prepared, and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied

upon the data and assumptions for the corresponding Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) does not have an annual effect on the economy of $100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to constitute a major rule.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments, or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to impose an unfunded mandate. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Ben Owens,

Acting Regional Director, North Atlantic—Appalachian Region.

For the reasons set out in the preamble, 30 CFR part 938 is amended as set forth below:

PART 938—Pennsylvania

■ 1. The authority citation for part 938 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

§ 938.12 [Amended]

■ 2. Section 938.12 is amended by removing and reserving paragraph (d).

■ 3. Amend § 938.15 in the table by adding an entry in chronological order by ''Date of final publication'' for ''March 16, 2020'' to read as follows:

§ 938.15 Approval of Pennsylvania regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
March 16, 2020	June 27, 2025	25 Pa. Code 86.1 (amending definition of ''surface mining activities''); 25 Pa. Code 86.31(c)(1)(removing registered mail requirement); 25 Pa. Code 86.62(a)(3) (removing date of issuance requirement); and 25 Pa. Code 86.238 (updating OSMRE form number); 25 Pa. Code 86.151(d); 25 Pa. Code 86.158(b)–(b)(3); 25 Pa. Code 86.193(b)–(c) (incorporating Federal penalty schedule for mandatory assessment threshold); 25 Pa. Code 86.281(b), (c), (d), and (f) (changing various provisions of the remining financial guarantee incentive program); 25 Pa. Code 87.1 (amending definition of ''surface mining activities''); 25 Pa. Code 87.103, 88.93, 88.188, 88.293, and 89.53 (replacing storm event tables with NOAA data); 25 Pa. Code 87.157; 25 Pa. Code 88.1 (amending of definition for ''haul roads''); 25 Pa. Code 88.131; 25 Pa. Code 88.219; and 25 Pa. Code 89.52(f) (deleting of portion of subsection (f), eliminating the alternative effluent limits for passive treatment systems for underground mines). *Minor changes and citation corrections:* 52 P.S. 305.54a; 25 Pa. Code 86–90; 25 Pa. Code 86.51; 25 Pa. Code 86.54; 25 Pa. Code 86.84; 25 Pa. Code 86.162a; 25 Pa. Code 86.189(b)(4); 25 Pa. Code 86.232; 25 Pa. Code 86.282(a)(4); 25 Pa. Code 86.284(d); 25 Pa. Code 87.100(d); 25 Pa. Code 87.102; 25 Pa. Code 88.1; 25 Pa. Code 88.92; 25 Pa. Code 88.187; 25 Pa. Code 88.190(b)–(g); 25 Pa. Code 88.292; 25 Pa. Code 88.295(b)–(i); 25 Pa. Code 88.502; 25 Pa. Code 88.507(c); 25 Pa. Code 88.508; 25 Pa. Code 89.52; 25 Pa. Code 90.102; and 25 Pa. Code 90.308.

§ 938.16 [Amended]

■ 4. Section 938.16 is amended by removing and reserving paragraphs (m), (n), (o) and (mmm).

[FR Doc. 2025–11907 Filed 6–26–25; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–0558]

RIN 1625–AA00

Safety Zone; Lake Erie, Lakewood, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 450 feet radius of the Solstice Steps in Lakewood, OH on Lake Erie on July 4, 2025 for the Lakewood Independence Day fireworks. The safety zone is needed to protect personnel and vessels from potential hazards created by the firework show. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Eastern Great Lakes or a designated representative.

DATES: This rule is effective from 9:30 p.m. through 11 p.m. on July 4, 2025.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2025–0558 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 MST1 Andrew Nevenner, Waterways Management Division, MSU Cleveland, U.S. Coast Guard; telephone 216–937–0111, email *Andrew.J.Nevenner@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 Coast Guard is issuing this temporary rule under the authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because delaying the issuance of this rule to wait for a comment period to run would be contrary to the public interest by inhibiting the Coast Guard's ability to protect participants in these navigable waters before, during, and after the firework show. We must establish a safety zone by July 4, 2025 and lacked sufficient notice of the need for the safety zone to issue a proposed rule. For that reason, issuing an NPRM is also impracticable.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule for 30 days would be contrary to the public interest by inhibiting the Coast Guard's ability to protect attendees in these navigable waters before, during and after the Lakewood Independence Day firework show on July 4, 2025.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port has determined that potential hazards associated with the firework show on July 4, 2025, will be a safety concern for anyone within a 450-feet radius of the launch area. This rule is needed to protect personnel and vessels in the navigable waters within the safety zone while the show is occurring.

IV. Discussion of the Rule

This rule establishes a safety zone from 9:30 p.m. through 11 p.m. on July 4, 2025. The safety zone will cover all navigable waters within 450 feet of the firework launch area. The duration of the zone is intended to protect personnel and vessels in these navigable waters while the bridge is being repaired. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

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

This regulatory action determination is based on size, location, and duration of the rule. This safety zone will restrict navigation in Lake Erie through the area adjacent to the Solstice Steps in Lakewood, OH.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit entry in, out or through the navigable waters of Lake Erie adjacent to the Solstice Steps, located on Lake Erie in Lakewood, OH. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0558 to read as follows:

(a) *Location.* The safety zone will cover all navigable waters of Lake Erie adjacent to the Solstice Steps, located in Lakewood, OH.

(b) *Enforcement Period.* This section will be enforced from 9:30 p.m. through 11 p.m. on July 4, 2025

(c) *Definitions.* As used in this section:

Official patrol vessel means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Eastern Great Lakes, (COTP) in the enforcement of the regulations in this section.

Participant means all persons and vessels attending the event.

(d) *Regulations.* (1) The Coast Guard may patrol the event area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM.''

(2) All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The ''official patrol vessels'' consist of any Coast Guard, state or local law enforcement and sponsor provided vessels designated or assigned by the Captain of the Port Sector Eastern Great Lakes, to patrol the event.

(3) Spectator vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer and will be operated at a no wake speed in a manner which will not endanger participants in the event or any other craft.

(4) No spectator shall anchor, block, loiter, or impede the through transit of official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel.

(5) The Patrol Commander may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(6) Any spectator vessel may anchor outside the regulated areas specified in this chapter, but may not anchor in, block, or loiter in a navigable channel.

(7) The Patrol Commander may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(8) The Patrol Commander will terminate enforcement of the special regulations at the conclusion of the event.

Dated: June 23, 2025.

S.M. Murray,

Commander, U.S. Coast Guard, Acting Captain of the Port, Eastern Great Lakes.

[FR Doc. 2025–11902 Filed 6–26–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2025–0491]

Safety Zones; Annual Fireworks Displays Within the Captain of the Port, Puget Sound Area of Responsibility

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zones established for annual firework displays in the Captain of the Port, Sector Puget Sound area of responsibility to ensure the safety of life on navigable waters during these events. The Coast Guard's regulation for marine events within the Thirteenth Coast Guard District identifies the regulated area for these events. During the enforcement periods, the operator of any vessel in the regulated area must comply with lawful directions form the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 165.1332 will be enforced for the safety zones identified in the **SUPPLEMENTARY INFORMATION** section below, on the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LT Anthony Pinto, Sector Puget Sound Waterways Management, U.S. Coast Guard; telephone 206–217–6051, or *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones established in 33 CFR 165.1332 for the Annual Fireworks Displays within the Captain of the Port, Puget Sound Area

of Responsibility. These regulations will be enforced on specific dates and times for each location as listed below. Each safety zone will be enforced only during its designated period:

Event name (typically)	Event date/time	Event location	Latitude	Longitude
Alderbrook Resort & Spa Fireworks	July 3, 2025, 9:30 p.m.–12 p.m	Hood Canal	47°21.033′ N	123°04.1′ W
Deer Harbor Annual Fireworks Display	July 3, 2025, 9:30 p.m.–11 p.m	Deer Harbor	48°37.0′ N	123°00.25′ W
Steilacoom Annual Fireworks	July 4, 2025, 10 p.m.–11:30 p.m	Steilacoom	47°10.4′ N	122°36.2′ W
Tacoma Freedom Fair	July 4, 2025, 9:30 p.m.–11 p.m	Commencement Bay	47°17.103′ N	122°28.410′ W
City of Anacortes	July 4, 2025, 9:45 p.m.–11 p.m	Fidalgo Bay	48°30.016′ N	122°36.154′ W
Fireworks Display	July 4, 2025, 9:30 p.m.–11 p.m	Henderson Bay	47°21.8′ N	122°38.367′ W
City of Kenmore Fireworks	July 4, 2025, 9:30 p.m.–11 p.m	Lake Forest Park	47°45.25′ N	122°15.75′ W
Vashon Island Fireworks	July 4, 2025, 8:30 p.m.–11:30 p.m	Quartermaster Harbor	47°24.0′ N	122°27.0′ W
Kingston Fireworks	July 4, 2025, 9:30 p.m.–11 p.m	Appletree Cove	47°47.65′ N	122°29.917′ W
Brewster Fire Department Fireworks	July 4, 2025, 9:30 p.m.–11 p.m	Brewster	48°05.362′ N	119°47.147′ W
Friday Harbor Independence	July 4, 2025, 9:30 p.m.–11 p.m	Friday Harbor	48°32.255′ N	123°0.654′ W
Roche Harbor Fireworks	July 4, 2025, 10 p.m.–11:30 p.m	Roche Harbor	48°36.7′ N	123°09.5′ W
Blast Over Bellingham	July 4, 2025, 10 p.m.–11:30 p.m	Bellingham Bay	48°44.933′ N	122°29.667′ W
City of Mount Vernon Fireworks	July 4, 2025, 9:30 p.m.–11 p.m	Edgewater Park	48°25.178′ N	122°20.424′ W
Chase Family Fourth at Lake Union	July 4, 2025, 10 p.m.–11:30 p.m	Lake Union	47°38.418′ N	122°20.111′ W
Everett 4th of July	July 4, 2025, 9:30 p.m.–11 p.m	Port Gardner	48°00.672′ N	122°13.391′ W
Port Orchard Fireworks	July 5, 2025, 8:30 p.m.–11:30 p.m	Port Orchard	47°32.883′ N	122°37.917′ W
Mercer Island Celebration	July 12, 2025, 9:30 p.m.–11:30 p.m	Mercer Island	47°35.517′ N	122°13.233′ W
Medina Days	August 9, 2025, 9 p.m.–10:30 p.m	Medina Park	47°36.867′ N	122°14.5′ W
Mukilteo Lighthouse Festival	September 6, 2025, 8 p.m.–9:30 p.m	Possession Sound	47°56.9′ N	122°18.6′ W

The special requirements listed in 33 CFR 165.1332(b) apply to the activation and enforcement of these safety zones. While the safety zone is activated, all non-participant vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port or their designated representative, as set forth in 33 CFR 165.1332(d). The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

The Coast Guard will issue advanced notification of enforcement of these safety zones via Broadcast Notice to Mariners and Local Notice to Mariners.

Dated: June 24, 2025.

Mark A. McDonnell,

Captain, U.S. Coast Guard, Captain of the Port, Sector Puget Sound.

[FR Doc. 2025–11922 Filed 6–26–25; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2025–0009; FRL–12550–01–R10]

Air Plan Approval; Idaho; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the regulatory materials that are incorporated by reference into the Idaho State Implementation Plan (SIP). The EPA is also notifying the public of corrections and clarifying changes in the Code of Federal Regulations tables that identify the regulatory materials incorporated by reference into the Idaho SIP. This update affects the materials that are available for public inspection at the National Archives and Records Administration and the EPA Region 10 Office.

DATES: This action is effective June 27, 2025.

ADDRESSES: The Idaho SIP materials incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Suite 155, Seattle, WA 98101; and *www.regulations.gov.* To view the materials at the Region 10 Office, the EPA requests that you email the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Region 10 Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kristin Hall, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, WA 98101, at (206) 553–6357, or *hall.kristin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Each State has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, including such elements as air pollution control regulations, source-specific permit requirements, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each State must formally adopt air pollution control measures and strategies and submit the associated regulatory materials to the EPA for approval into the SIP. Upon EPA approval, regulatory materials are incorporated into the federally approved SIP in title 40 of part 52, ''Approval and Promulgation of Implementation Plans,'' of the Code of Federal Regulations (40 CFR part 52). The full text of a State regulation approved by the EPA is not reproduced in its entirety in 40 CFR part 52, rather, it is ''incorporated by reference (IBR).'' This means that the EPA has approved a given State regulation, or changes to that regulation, based on a specific effective date. The public is referred to the location of the full text version of the regulation. The information provided allows the EPA and the public to monitor the extent to which a State implements a SIP to attain and maintain the NAAQS and to take enforcement action for violations of the SIP.

Each SIP is a living document revised as necessary by a State to address Clean Air Act requirements and the unique air

pollution problems in the State. Therefore, the EPA must routinely take action on SIP revisions that include new or revised State regulatory materials. A State may revise one or more regulations in their entirety, or portions of regulations. The State indicates the submitted changes by using redline/strikethrough text, for example, and the EPA takes action on the changes. The EPA establishes a docket for each action using a unique Docket Identification Number and places the submitted regulations and other materials supporting the action in the docket. Dockets are available for viewing on *www.regulations.gov.*

On May 22, 1997 (62 FR 27968), the EPA, in coordination with the Office of the Federal Register, revised the procedures used to incorporate State regulatory materials by reference into the CFR for each SIP. These changes revised the format for the identification of the SIP in 40 CFR part 52, streamlined the mechanism for announcing EPA approval of revisions to a SIP, and consolidated the process for EPA updates to the IBR materials in 40 CFR part 52. The revised IBR procedures called for the EPA to maintain ''SIP Compilations'' with the full text of the federally approved State regulatory materials.

The EPA generally updates each SIP Compilation every few years, or more frequently when large amounts of regulatory materials have been incorporated by reference. Under the revised procedures, the EPA must periodically publish an informational document in the rules section of the **Federal Register** notifying the public that updates have been made to a specific SIP Compilation. The EPA began applying the revised IBR procedures to the Idaho SIP on January 25, 2005 (70 FR 3479) and subsequently published updates to the IBR materials in the Idaho SIP on December 28, 2012 (77 FR 76417), April 1, 2015 (80 FR 17333), July 24, 2020 (85 FR 44741), and November 18, 2024 (89 FR 90592).

A. Approved and Incorporated by Reference Regulatory Materials

Since the last update of IBR materials in the Idaho SIP at 40 CFR 52.670(c), the EPA has approved and incorporated by reference specific revised sections of the Rules for the Control of Air Pollution in Idaho (IDAPA 58.01.01) as described in the following paragraphs of this preamble.

1. Action on December 5, 2024 (89 FR 96554) (listed provisions are State effective March 28, 2023, unless otherwise specified):

- IDAPA 58.01.01.001 Title and scope (describing the title and general scope);
- IDAPA 58.01.01.005 Definitions (referencing the terms defined in State statute and Federal regulations to be used in the Idaho air quality regulations);
- IDAPA 58.01.01.006 General definitions (defining centralized terms used in the Idaho air quality regulations), except 006.23, 006.24, 006.25, 006.30, 006.31.b, 006.49, 006.50 and 006.51;
- IDAPA 58.01.01.007 Definitions for the purposes of sections 200 through 228 and 400 through 461 (defining centralized terms used in the major and minor source permitting programs);
- IDAPA 58.01.01.107 Incorporations by reference (listing the codes, rules and standards incorporated by reference into the Idaho air quality regulations), State effective July 1, 2014, except 107.06 through 107.16, which are not incorporated into the SIP;
- IDAPA 58.01.01.108 Obligation to comply (requiring that receiving a permit or certificate of registration does not relieve the owner or operation of the obligation to comply with all applicable regulations);
- IDAPA 58.01.01.121 Compliance requirements by department (detailing actions to ensure compliance with the air quality rules);
- IDAPA 58.01.01.122 Information orders by the department (establishing how information may be obtained in implementing the air quality rules);
- IDAPA 58.01.01.123 Certification of documents (requiring documents submitted to be certified as true, accurate and complete);
- IDAPA 58.01.01.125 False statements (prohibiting false statements, representation, or certification);
- IDAPA 58.01.01.126 Tampering (prohibiting interference with monitoring device, method, rule or order);
- IDAPA 58.01.01.130 Startup, shutdown, scheduled maintenance, safety measures, upset and breakdown (defining startup, shutdown, upset and scheduled maintenance), State effective July 1, 2024;
- IDAPA 58.01.01.131 Excess emissions (establishing enforcement discretion criteria in the event of excess emissions);
- IDAPA 58.01.01.132 Correction of condition (requiring appropriate action to correct conditions causing an excess emissions event);
- IDAPA 58.01.01.133 Startup, shutdown and scheduled maintenance requirements (prescribing notifications, recordkeeping, reporting and other actions related to modes of operation);
- IDAPA 58.01.01.134 Upset, breakdown and safety requirements (identifying safety requirements and measures to minimize excess emissions during upsets);
- IDAPA 58.01.01.135 Excess emissions reports (detailing required data to be reported about excess emissions events);
- IDAPA 58.01.01.136 Excess emissions records (requiring records retention related to excess emissions);
- IDAPA 58.01.01.155 Circumvention (prohibiting the concealment of emissions);
- IDAPA 58.01.01.157 Test methods and procedures (establishing procedures for source test methods);
- IDAPA 58.01.01.164 Polychlorinated biphenyls (PCBs) (prohibiting the burning or selling of PCBs);
- IDAPA 58.01.01.175 Procedures and requirements for permits establishing a facility emissions cap (setting uniform procedures for a source to seek a facility emissions cap);
- IDAPA 58.01.01.176 Facility emissions cap, except provisions relating to hazardous air pollutants (establishing applicability and definitions for facility emissions cap requirements);
- IDAPA 58.01.01.178 Standard contents of permits establishing a facility emissions cap (listing the required contents of a permit establishing a facility emissions cap);
- IDAPA 58.01.01.179 Procedures for issuing permits establishing a facility emissions cap (identifying the procedures to be followed in issuing a facility emissions cap);
- IDAPA 58.01.01.180 Revisions to permits establishing a facility emissions cap (requiring changes to permit terms and conditions under certain circumstances);
- IDAPA 58.01.01.181 Notice and record-keeping of estimates of ambient concentrations (prescribing the process to make allowable changes to a facility emissions cap);
- IDAPA 58.01.01.200 Procedures and requirements for permits to construct (establishing uniform procedures for issuing permits to construct);
- IDAPA 58.01.01.201 Permit to construct required (requiring owners and operators of certain facilities to obtain permits to construct unless otherwise covered by a general permit or permit by rule);
- IDAPA 58.01.01.202 Application procedures (requiring a certified application using approved forms when applying for a permit to construct);

- IDAPA 58.01.01.203 Permit requirements for new and modified stationary sources, except 203.03 (stating that no permit will be issued unless a source complies with applicable emission limits and does not cause or contribute to a violation of an ambient air quality standard);
- IDAPA 58.01.01.204 Permit requirements for new major facilities or major modifications in nonattainment areas (requiring LAER and offsets for new major facilities and major modifications in nonattainment areas);
- IDAPA 58.01.01.205 Permit requirements for new major facilities or major modifications in attainment or unclassifiable areas (requiring new major facilities and major modifications meet certain requirements to construct in attainment areas);
- IDAPA 58.01.01.206 Optional offsets for permits to construct (offering the option to offset emissions using credits);
- IDAPA 58.01.01.208 Demonstration of net air quality benefit (establishing how to demonstrate net air quality benefit for emissions trades);
- IDAPA 58.01.01.209 Procedure for issuing permits (laying out application, public process and approval procedures for issuing permits);
- IDAPA 58.01.01.211 Conditions for permits to construct (conditioning permits to include monitoring, performance testing, cancellation);
- IDAPA 58.01.01.212 Relaxation of standards or restrictions (spelling out major preconstruction permitting requirements when a limit has been relaxed);
- IDAPA 58.01.01.213 Pre-permit construction (specifying when certain minor sources may request to construct before obtaining the permit);
- IDAPA 58.01.01.220 General exemption criteria for permit to construct exemptions (detailing exemptions from the requirements to obtain a permit to construct);
- IDAPA 58.01.01.221 Category I exemption (specifying exemptions for sources below regulatory concern);
- IDAPA 58.01.01.222 Category II exemption (detailing exemptions for sources such as laboratory equipment, pilot plants, mobile engines, retail gasoline facilities, etc.);
- IDAPA 58.01.01.226 Payment of fees for permits to construct (requiring application and processing fee payment for permits to construct);
- IDAPA 58.01.01.227 Receipt and usage of fees (requiring received fees to be used to administer the permit to construct and Tier II operating permit programs)
- IDAPA 58.01.01.400 Procedures and requirements for Tier II operating permits (stating the purpose of the Tier II operating permit rules);
- IDAPA 58.01.01.401 Tier II operating permit, except 401.01.a and 401.04 (laying out optional and required Tier II operating permits);
- IDAPA 58.01.01.402 Application procedures (laying out how to apply for a Tier II operating permit);
- IDAPA 58.01.01.403 Permit requirements for Tier II sources (requiring that no permit be issued unless it would include all applicable emission limits and ambient air quality standards);
- IDAPA 58.01.01.404 Procedure for issuing permits (general procedures for issuing Tier II permits);
- IDAPA 58.01.01.405 Conditions for Tier II operating permits (laying out permit terms, performance test requirements, and other conditions);
- IDAPA 58.01.01.460 Requirements for emission reduction credit (establishing the conditions that constitute a creditable emission reduction);
- IDAPA 58.01.01.461 Requirements for banking emission reduction credits (ERC's) (setting out how emission reduction credits may be banked);
- IDAPA 58.01.01.500 Registration procedures and requirements for portable equipment (requiring all portable equipment to be registered);
- IDAPA 58.01.01.510 Stack heights and dispersion techniques (establishing criteria for good engineering practice related to stack heights and dispersion techniques);
- IDAPA 58.01.01.511 Requirements (providing that the required degree of emission control must not be affected by the amount of stack height that exceeds good engineering practices);
- IDAPA 58.01.01.512 Opportunity for public hearing (providing an opportunity for a public hearing where a stack height would exceed good engineering practices);
- IDAPA 58.01.01.513 Approval of field studies and fluid models (requiring approval of field studies and fluid models by the EPA);
- IDAPA 58.01.01.514 No restriction on actual stack height (providing that these rules do not restrict actual stack height);
- IDAPA 58.01.01.550 Air quality episodes (defining requirements in the event of episodes of poor air quality);
- IDAPA 58.01.01.556 Criteria for declaring air quality episodes (identifying alert, warning and emergency episode stages);
- IDAPA 58.01.01.557 Requirements during air quality episodes (prescribing actions to be taken during air quality episode stages);
- IDAPA 58.01.01.558 Notification of air quality episode (defining what information will be provided to the public in the event of an air quality episode);
- IDAPA 58.01.01.562 Specific air quality episode abatement plans for stationary sources (requiring specific sources to adopt and implement their own abatement plans in the event of an air quality episode);
- IDAPA 58.01.01.579 Baselines for prevention of significant deterioration (establishing the baseline dates to be used in the PSD permitting program);
- IDAPA 58.01.01.580 Classification of prevention of significant deterioration areas (listing procedures for redesignating PSD areas);
- IDAPA 58.01.01.581 Prevention of significant deterioration (PSD) increments (establishing the allowable degree of deterioration for areas that have air quality better than the ambient standards);
- IDAPA 58.01.01.600 Rules for control of open burning (establishing rule to protect human health and the environment from air pollutants resulting from open burning);
- IDAPA 58.01.01.601 Fire permits, hazardous materials, and liability (stating that a person is not exempt from other laws and ordinances related to open burning);
- IDAPA 58.01.01.602 Nonpreemption of other jurisdiction (stating that these rules are not intended to interfere with the rights of other agencies to provide equal or more stringent open burning controls);
- IDAPA 58.01.01.603 General requirements (prescribing the general open burning restrictions);
- IDAPA 58.01.01.606 Categories of allowable burning (listing the categories of allowable open burning);
- IDAPA 58.01.01.607 Recreational and warming fires (describing the campfires, barbeques, ceremonial fires and small handwarming fires that are allowed);
- IDAPA 58.01.01.608 Weed control fires (describing the weed abatement fires that are allowed);
- IDAPA 58.01.01.609 Training fires (describing the fire and land management training fires that are allowed);
- IDAPA 58.01.01.611 Residential yard waste fires (describing the yard waste disposal fires that are allowed);
- IDAPA 58.01.01.612 Solid waste facility fires (describing when solid waste disposal fires may be allowed);
- IDAPA 58.01.01.613 Orchard fires (describing orchard clipping disposal fires that are allowed);

• IDAPA 58.01.01.614 Prescribed fires (describing the prescribed fire that may be allowed under certain conditions);
• IDAPA 58.01.01.615 Dangerous material fires (describing allowable fires ignited under the direction of a public or military fire chief to dispose of dangerous materials);
• IDAPA 58.01.01.616 Infectious waste burning (describing allowable infectious waste fires conducted under the direction of a public health officer);
• IDAPA 58.01.01.617 Crop residue disposal (establishing requirements for crop residue disposal fires);
• IDAPA 58.01.01.618 Permit by rule (requiring that no person may conduct an open burn of crop residue without the applicable permit by rule);
• IDAPA 58.01.01.619 Registration (establishing registration requirements for crop residue burn permit by rule);
• IDAPA 58.01.01.620 Burn fee (setting fee payment deadline for crop residue burns);
• IDAPA 58.01.01.621 Burn approval (establishing the criteria for crop residue burn approval);
• IDAPA 58.01.01.622 General provisions (listing the requirements for persons conducting crop residue burns);
• IDAPA 58.01.01.623 Public notification (indicating that the Idaho DEQ will notify the public of burn or no-burn days);
• IDAPA 58.01.01.624 Spot and baled crop residue burn and propane flaming requirements (detailing the requirements for spot burns, baled burns and propane flaming);
• IDAPA 58.01.01.625 Visible emissions (establishing opacity limits and test methods);
• IDAPA 58.01.01.650 Rules for control of fugitive dust (requiring that all reasonable precautions be taken to prevent fugitive dust);
• IDAPA 58.01.01.651 General rules (establishing general requirements to limit the generation of fugitive dust);
• IDAPA 58.01.01.665 Regional haze rules (addressing visibility impairment in mandatory Class I Federal areas);
• IDAPA 58.01.01.666 Reasonable Progress goals (establishing goals for reasonable progress toward natural visibility conditions);
• IDAPA 58.01.01.667 Long-term strategy for regional haze (establishing long-term strategy requirements);
• IDAPA 58.01.01.675 Fuel burning equipment—particulate matter (establishing particulate matter standards for fuel burning equipment);
• IDAPA 58.01.01.676 Standards for new sources (setting particulate limits for new fuel burning equipment);
• IDAPA 58.01.01.677 Standards for minor and existing sources (setting particulate limits for minor and existing fuel burning equipment);
• IDAPA 58.01.01.678 Combinations of fuels (addressing particulate limits when two or more types of fuel are burned concurrently);
• IDAPA 58.01.01.679 Averaging period (establishing the appropriate averaging period for determining particulate emissions from fuel burning equipment);
• IDAPA 58.01.01.680 Altitude correction (addressing how to correct standard conditions for the altitude of a source);
• IDAPA 58.01.01.681 Test methods and procedures (setting the appropriate test method for measuring fuel burning particulate emissions);
• IDAPA 58.01.01.700 Particulate matter—process weight limitations (establishing particulate matter emission limitations for process equipment);
• IDAPA 58.01.01.701 Particulate matter—new equipment process weight limitations (listing emission standards for new process equipment);
• IDAPA 58.01.01.702 Particulate matter—existing equipment process weight limitations (listing emission standards for existing process equipment);
• IDAPA 58.01.01.703 Particulate matter—other processes (establishing process weight limitations for equipment used to dehydrate sugar beet pulp or alfalfa);
• IDAPA 58.01.01.725 Rules for sulfur content of fuels (establishing limits on the sulfur content of fuels);
• IDAPA 58.01.01.791 General control requirements (prohibiting owners and operators of rock crushers from injuring human health, welfare, property and other requirements);
• IDAPA 58.01.01.793 Emissions standards for nonmetallic mineral processing plants not subject to 40 CFR part 60, subpart OOO (requiring compliance with emissions and opacity standards);
• IDAPA 58.01.01.794 Permit requirements, except 794.04 (setting rock crusher permit by rule eligibility);
• IDAPA 58.01.01.795 Permit by rule requirements (establishing rock crusher permit by rule requirements);
• IDAPA 58.01.01.796 Applicability (establishing permit by rule and permit applicability);
• IDAPA 58.01.01.797 Registration for permit by rule (identifying how to register for the rock crusher permit by rule);
• IDAPA 58.01.01.798 Electrical generators (listing the fuel and operation requirements for electrical generators used to provide power to rock crushers);
• IDAPA 58.01.01.799 Nonmetallic mineral processing plant fugitive dust best management practice (establishing best practices to limit fugitive dust);
• IDAPA 58.01.01.815 Rules for control of kraft pulp mills (establishing emission standards and reporting requirements for recovery furnaces at kraft pulp mills);
• IDAPA 58.01.01.818 Kraft pulp mill LVHC and HVLC gas venting notification and reporting (requiring excess emissions notification and reporting by subject sources); and
• Idaho Code 39.103 Definitions, State effective July 1, 2010, except (4), (5), (8), (9), (10), (12), (13), (14), (15), (16), (17), and (18), which are not incorporated into the SIP.

B. Regulatory Materials Removed From Incorporation by Reference

Since the last IBR update, the EPA removed the following regulations from incorporation by reference in the Idaho SIP at 40 CFR 52.670(c).

1. Action on December 5, 2024 (89 FR 96554):
• IDAPA 58.01.01.004 Catchlines (stating that catchlines are not to be used to interpret regulations), State effective May 1, 1994;
• IDAPA 58.01.01.011 Definitions for the purposes of sections 790 through 799, State effective March 15, 2002;
• IDAPA 58.01.01.106 Abbreviations (spelling out the abbreviations used in the Idaho air quality regulations), State effective May 1, 1994;
• IDAPA 58.01.01.124 Truth, accuracy and completeness of documents (requiring documents submitted to the state to be true, accurate and complete), State effective May 1, 1994;
• IDAPA 58.01.01.127 Format of responses (requiring documents to be submitted to meet state-specified formatting requirements), State effective May 1, 1994;
• IDAPA 58.01.01.160 Provisions governing specific activities and conditions (regarding toxic air pollutants and polychlorinated biphenyls), State effective April 5, 2000;
• IDAPA 58.01.01.162 Modifying physical conditions (addressing conditions that affect the dispersion of pollutants), State effective May 1, 1994;
• IDAPA 58.01.01.163 Source density (addressing situations where a number of sources are located in proximity to each other), State effective May 1, 1994;
• IDAPA 58.01.01.212 Obligation to comply (requiring compliance with all applicable local, State and Federal statutes, rules, and regulations), State effective May 1, 1994;
• IDAPA 58.01.01.406 Obligation to comply (requiring compliance with all applicable local, State and Federal

statutes, rules, and regulations), State effective May 1, 1994;

- IDAPA 58.01.01.515 Approval of field studies and fluid models (requiring EPA approval of field studies and fluid models), State effective May 1, 1994;
- IDAPA 58.01.01.516 No restrictions on actual stack height (addressing actual stack height), State effective May 1, 1994;
- IDAPA 58.01.01.551 Episode criteria (listing air quality episode criteria), State effective May 1, 1994;
- IDAPA 58.01.01.552 Stages (defining air quality episode stages), State effective March 15, 2002;
- IDAPA 58.01.01.553 Effects of stages (addressing the effects of reaching episode stages), State effective March 15, 2002;
- IDAPA 58.01.01.559 Manner and frequency of notification (addressing the manner and frequency of episode announcements), State effective May 1, 1994;
- IDAPA 58.01.01.560 Notification to sources (requiring significant sources be notified), State effective April 11, 2006;
- IDAPA 58.01.01.561 General rules (establishing the general control requirements for each episode stage), State effective April 11, 2006;
- IDAPA 58.01.01.575 Air quality standards and area classification (establishing State ambient air quality standards), State effective April 11, 2006;
- IDAPA 58.01.01.576 General provisions for ambient air quality standards (addressing general standards), State effective May 1, 1994;
- IDAPA 58.01.01.578 Designation of attainment, unclassifiable, and nonattainment areas (listing steps for state designation of areas), State effective May 1, 1994;
- IDAPA 58.01.01.610 Industrial flares (addressing industrial flares as open burning), State effective March 21, 2003;
- IDAPA 58.01.01.626 General restrictions on visible emissions from wigwam burners (setting opacity limits for wigwam burners), State effective April 5, 2000;
- IDAPA 58.01.01.668 BART requirements for regional haze (outlining the process of establishing best available retrofit technology requirements for sources), State effective March 30, 2007;
- IDAPA 58.01.01.785 Rules for control of incinerators (establishing incinerator particulate matter limits), State effective May 1, 1994;
- IDAPA 58.01.01.786 Emission limits (limiting particulate matter emissions from incinerators), State effective April 5, 2000;
- IDAPA 58.01.01.787 Exceptions (exempting wigwam burners from incinerator emission limits), State effective March 23, 1998;
- IDAPA 58.01.01.805 Rules for control of hot mix asphalt plants (limiting particulate matter emissions from hot mix asphalt plants), State effective May 1, 1994;
- IDAPA 58.01.01.806 Emission limits (requiring compliance with the process weight rate limitations), State effective May 1, 1994;
- IDAPA 58.01.01.807 Multiple stacks (establishing that total emissions from all stacks are to be compared to the emission limit), State effective May 1, 1994; and
- IDAPA 58.01.01.808 Fugitive dust control (requiring fugitive dust control systems), State effective May 1, 1994.

C. Corrections and Clarifications to CFR Tables

The EPA is notifying the public of corrections and clarifications to the CFR tables that identify the IBR materials in the Idaho SIP. The EPA has made minor wording changes to the ''Explanations'' column of the tables for consistency. We have also removed the text from the ''Explanations'' column for entries ''600'' through ''616'' because the text referred to a prior EPA approval date of July 11, 2005 that was then removed in response to a court remand. Entries ''600'' through ''616'' have been revised and approved numerous times since 2005 and therefore the text referencing the prior July 11, 2005, EPA approval date is obsolete.

II. EPA Action

In this action, the EPA is notifying the public of an update to the regulatory materials incorporated by reference into the Idaho SIP and federally effective as of January 6, 2025. This update includes regulatory materials submitted by Idaho and approved by the EPA since the last IBR update. *See* 89 FR 90592 (November 18, 2024).

III. Good Cause Exemption

The EPA has determined that this action falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs, makes corrections and clarifying changes to the tables in the CFR, and makes ministerial changes to the prefatory heading to the tables in the CFR. Under section 553 of the APA, an agency may find good cause where procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Public comment for this administrative action is ''unnecessary'' and ''contrary to the public interest'' since the codification (and corrections) only reflect existing law. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notification of the updated Idaho SIP Compilation and notification of corrections to the Idaho ''Identification of Plan'' portion of the CFR. Further, pursuant to section 553(d)(3), making this action immediately effective benefits the public by immediately updating both the SIP Compilation and the CFR ''Identification of plan'' section (which includes table entry corrections and clarifications).

IV. Incorporation by Reference

In this document, The EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of regulations promulgated by Idaho, previously approved by the EPA and federally effective before January 6, 2025 as described in section I. of this document. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under

Executive Order 12866 (58 FR 51735, October 4, 1993);

- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

The EPA also believes that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. This is because prior EPA rulemaking actions for each individual component of the Idaho SIP Compilation previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, the EPA believes judicial review of this action under section 307(b)(1) is not available.

List of Subjects in 40 CFR Part 52

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

Dated: June 20, 2025.

Emma Pokon,

Regional Administrator, Region 10.

For the reasons set forth in the preamble, the EPA is amending 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart N—Idaho

■ 2. In § 52.670, paragraphs (b) through (e) are revised to read as follows:

§ 52.670 Identification of plan.

* * * * *

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to January 6, 2025, was approved for incorporation by reference by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and notification of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after January 6, 2025, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 10 certifies that the rules/regulations provided by the EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of the dates referenced in paragraph (b)(1) of this section.

(3) Copies of the materials incorporated by reference may be inspected at the Region 10 EPA Office at 1200 Sixth Avenue, Suite 155, Seattle, WA 98101. To obtain the material, please call (206) 553–6357. You may inspect the material with an EPA approval date prior to January 6, 2025, for Idaho at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.*

(c) *EPA approved laws and regulations.*

TABLE 1 TO PARAGRAPH (c)—STATE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
Rules for the Control of Air Pollution in Idaho (IDAPA 58.01.01)				
001	Title and scope	3/28/2023	12/5/2024, 89 FR 96554.	
005	Definitions	3/28/2023	12/5/2024, 89 FR 96554.	
006	General definitions	3/28/2023	12/5/2024, 89 FR 96554	Except subsections 006.23, 006.24, 006.25, 006.30, 006.31.b, 006.49, 006.50, 006.51.
007	Definitions for the purposes of sections 200 through 225 and 400 through 461.	3/28/2023	12/5/2024, 89 FR 96554.	
107	Incorporations by reference	7/1/2024	12/5/2024, 89 FR 96554	Except subsections 107.06 through 107.16.
108	Obligation to comply	3/28/2023	12/5/2024, 89 FR 96554.	
121	Compliance requirements by department	3/28/2023	12/5/2024, 89 FR 96554.	
122	Information orders by the department	3/28/2023	12/5/2024, 89 FR 96554.	

TABLE 1 TO PARAGRAPH (c)—STATE REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
123	Certification of documents	3/28/2023	12/5/2024, 89 FR 96554.	
125	False statements	3/28/2023	12/5/2024, 89 FR 96554.	
126	Tampering	3/28/2023	12/5/2024, 89 FR 96554.	
130	Startup, shutdown, scheduled maintenance, safety measures, upset and breakdown.	7/1/2024	12/5/2024, 89 FR 96554.	
131	Excess emissions	3/28/2023	12/5/2024, 89 FR 96554.	
132	Correction of condition	3/28/2023	12/5/2024, 89 FR 96554.	
133	Startup, shutdown and scheduled maintenance requirements.	3/28/2023	12/5/2024, 89 FR 96554.	
134	Upset, breakdown and safety requirements	3/28/2023	12/5/2024, 89 FR 96554.	
135	Excess emissions reports	3/28/2023	12/5/2024, 89 FR 96554.	
136	Excess emissions records	3/28/2023	12/5/2024, 89 FR 96554.	
155	Circumvention	3/28/2023	12/5/2024, 89 FR 96554.	
156	Total compliance	5/1/1994	1/16/2003, 68 FR 2217.	
157	Test methods and procedures	3/28/2023	12/5/2024, 89 FR 96554.	
164	Polychlorinated biphenyls (PCBs)	3/28/2023	12/5/2024, 89 FR 96554.	
175	Procedures and requirements for permits establishing a facility emissions cap.	3/28/2023	12/5/2024, 89 FR 96554.	
176	Facility emissions cap	3/28/2023	12/5/2024, 89 FR 96554	Except for provisions relating to hazardous air pollutants.
177	Application procedures	4/11/2015	8/12/2016, 81 FR 53290.	
178	Standard contents of permits establishing a facility emissions cap.	3/28/2023	12/5/2024, 89 FR 96554.	
179	Procedures for issuing permits establishing a facility emissions cap.	3/28/2023	12/5/2024, 89 FR 96554.	
180	Revisions to permits establishing a facility emissions cap.	3/28/2023	12/5/2024, 89 FR 96554.	
181	Notice and record-keeping of estimates of ambient concentrations.	3/28/2023	12/5/2024, 89 FR 96554.	
200	Procedures and requirements for permits to construct.	3/28/2023	12/5/2024, 89 FR 96554.	
201	Permit to construct required	3/28/2023	12/5/2024, 89 FR 96554.	
202	Application procedures	3/28/2023	12/5/2024, 89 FR 96554.	
203	Permit requirements for new and modified stationary sources.	3/28/2023	12/5/2024, 89 FR 96554	Except subsection 203.03.
204	Permit requirements for new major facilities or major modifications in nonattainment areas.	3/28/2023	12/5/2024, 89 FR 96554.	
205	Permit requirements for new major facilities or major modifications in attainment or unclassifiable areas.	3/28/2023	12/5/2024, 89 FR 96554.	
206	Optional offsets for permits to construct	3/28/2023	12/5/2024, 89 FR 96554.	
207	Requirements for emission reduction credit	5/1/1994	1/16/2003, 68 FR 2217.	
208	Demonstration of net air quality benefit	3/28/2023	12/5/2024, 89 FR 96554.	
209	Procedure for issuing permits	3/28/2023	12/5/2024, 89 FR 96554.	
211	Conditions for permits to construct	3/28/2023	12/5/2024, 89 FR 96554.	
212	Relaxation of standards or restrictions	3/28/2023	12/5/2024, 89 FR 96554.	
213	Pre-permit construction	3/28/2023	12/5/2024, 89 FR 96554.	
220	General exemption criteria for permit to construct exemptions.	3/28/2023	12/5/2024, 89 FR 96554.	
221	Category I exemption	3/28/2023	12/5/2024, 89 FR 96554.	
222	Category II exemption	3/28/2023	12/5/2024, 89 FR 96554.	
226	Payment of fees for permits to construct	3/28/2023	12/5/2024, 89 FR 96554.	
227	Receipt and usage of fees	3/28/2023	12/5/2024, 89 FR 96554.	
400	Procedures and requirements for Tier II operating permits.	3/28/2023	12/5/2024, 89 FR 96554.	
401	Tier II operating permit	3/28/2023	12/5/2024, 89 FR 96554	Except subsections 401.01.a and 401.04.
402	Application procedures	3/28/2023	12/5/2024, 89 FR 96554.	
403	Permit requirements for Tier II sources	3/28/2023	12/5/2024, 89 FR 96554.	
404	Procedure for issuing permits	3/28/2023	12/5/2024, 89 FR 96554.	
405	Conditions for Tier II operating permits	3/28/2023	12/5/2024, 89 FR 96554.	
460	Requirements for emission reduction credit	3/28/2023	12/5/2024, 89 FR 96554.	
461	Requirements for banking emission reduction credits (ERC's).	3/28/2023	12/5/2024, 89 FR 96554.	
500	Registration procedures and requirements for portable equipment.	3/28/2023	12/5/2024, 89 FR 96554.	
510	Stack heights and dispersion techniques	3/28/2023	12/5/2024, 89 FR 96554.	
511	Requirements	3/28/2023	12/5/2024, 89 FR 96554.	
512	Opportunity for public hearing	3/28/2023	12/5/2024, 89 FR 96554.	
513	Approval of field studies and fluid models	3/28/2023	12/5/2024, 89 FR 96554.	
514	No restriction on actual stack height	3/28/2023	12/5/2024, 89 FR 96554.	
550	Air quality episodes	3/28/2023	12/5/2024, 89 FR 96554.	
556	Criteria for declaring air quality episodes	3/28/2023	12/5/2024, 89 FR 96554.	
557	Requirements during air quality episodes	3/28/2023	12/5/2024, 89 FR 96554.	
558	Notification of air quality episode	3/28/2023	12/5/2024, 89 FR 96554.	
562	Specific air quality episode abatement plans for stationary sources.	3/28/2023	12/5/2024, 89 FR 96554.	
563	Transportation conformity	3/30/2001	4/12/2001,66 FR 18873.	
564	Incorporation by reference	3/30/2001	4/12/2001, 66 FR 18873.	
565	Abbreviations	3/30/2001	4/12/2001, 66 FR 18873.	

TABLE 1 TO PARAGRAPH (c)—STATE REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
566	Definitions for the purpose of sections 563 through 574 and 582.	3/30/2001	4/12/2001, 66 FR 18873.	
567	Agencies affected by consultation	3/30/2001	4/12/2001, 66 FR 18873.	
568	ICC member roles in consultation	3/30/2001	4/12/2001, 66 FR 18873.	
569	ICC member responsibilities in consultation	3/30/2001	4/12/2001, 66 FR 18873.	
570	General consultation process	3/30/2001	4/12/2001, 66 FR 18873.	
571	Consultation procedures	3/30/2001	4/12/2001, 66 FR 18873.	
572	Final conformity determinations by USDOT	3/30/2001	4/12/2001, 66 FR 18873.	
573	Resolving conflicts	3/30/2001	4/12/2001, 66 FR 18873.	
574	Public consultation procedures	3/30/2001	4/12/2001, 66 FR 18873.	
579	Baselines for prevention of significant deterioration	3/28/2023	12/5/2024, 89 FR 96554.	
580	Classification of prevention of significant deterioration areas.	3/28/2023	12/5/2024, 89 FR 96554.	
581	Prevention of significant deterioration (PSD) increments.	3/28/2023	12/5/2024, 89 FR 96554.	
600	Rules for control of open burning	3/28/2023	12/5/2024, 89 FR 96554.	
601	Fire permits, hazardous materials, and liability	3/28/2023	12/5/2024, 89 FR 96554.	
602	Nonpreemption of other jurisdiction	3/28/2023	12/5/2024, 89 FR 96554.	
603	General requirements	3/28/2023	12/5/2024, 89 FR 96554.	
606	Categories of allowable burning	3/28/2023	12/5/2024, 89 FR 96554.	
607	Recreational and warming fires	3/28/2023	12/5/2024, 89 FR 96554.	
608	Weed control fires	3/28/2023	12/5/2024, 89 FR 96554.	
609	Training fires	3/28/2023	12/5/2024, 89 FR 96554.	
611	Residential yard waste fires	3/28/2023	12/5/2024, 89 FR 96554.	
612	Solid waste facility fires	3/28/2023	12/5/2024, 89 FR 96554.	
613	Orchard fires	3/28/2023	12/5/2024, 89 FR 96554.	
614	Prescribed fires	3/28/2023	12/5/2024, 89 FR 96554.	
615	Dangerous material fires	3/28/2023	12/5/2024, 89 FR 96554.	
616	Infectious waste burning	3/28/2023	12/5/2024, 89 FR 96554.	
617	Crop residue disposal	3/28/2023	12/5/2024, 89 FR 96554.	
618	Permit by rule	3/28/2023	12/5/2024, 89 FR 96554.	
619	Registration	3/28/2023	12/5/2024, 89 FR 96554.	
620	Burn fee	3/28/2023	12/5/2024, 89 FR 96554.	
621	Burn approval	3/28/2023	12/5/2024, 89 FR 96554.	
622	General provisions	3/28/2023	12/5/2024, 89 FR 96554.	
623	Public notification	3/28/2023	12/5/2024, 89 FR 96554.	
624	Spot and baled crop residue burn and propane flaming requirements.	3/28/2023	12/5/2024, 89 FR 96554.	
625	Visible emissions	3/28/2023	12/5/2024, 89 FR 96554.	
650	Rules for control of fugitive dust	3/28/2023	12/5/2024, 89 FR 96554.	
651	General rules	3/28/2023	12/5/2024, 89 FR 96554.	
665	Regional haze rules	3/28/2023	12/5/2024, 89 FR 96554.	
666	Reasonable progress goals	3/28/2023	12/5/2024, 89 FR 96554.	
667	Long-term strategy for regional haze	3/28/2023	12/5/2024, 89 FR 96554.	
675	Fuel burning equipment—particulate matter	3/28/2023	12/5/2024, 89 FR 96554.	
676	Standards for new sources	3/28/2023	12/5/2024, 89 FR 96554.	
677	Standards for minor and existing sources	3/28/2023	12/5/2024, 89 FR 96554.	
678	Combinations of fuels	3/28/2023	12/5/2024, 89 FR 96554.	
679	Averaging period	3/28/2023	12/5/2024, 89 FR 96554.	
680	Altitude correction	3/28/2023	12/5/2024, 89 FR 96554.	
681	Test methods and procedures	3/28/2023	12/5/2024, 89 FR 96554.	
700	Particulate matter—process weight limitations	3/28/2023	12/5/2024, 89 FR 96554.	
701	Particulate matter—new equipment process weight limitations.	3/28/2023	12/5/2024, 89 FR 96554.	
702	Particulate matter—existing equipment process weight limitations.	3/28/2023	12/5/2024, 89 FR 96554.	
703	Particulate matter—other processes	3/28/2023	12/5/2024, 89 FR 96554.	
725	Rules for sulfur content of fuels	3/28/2023	12/5/2024, 89 FR 96554.	
790	Rule for the control of nonmetallic mineral processing plants.	3/15/2002	8/12/2016, 81 FR 53290.	
791	General control requirements	3/28/2023	12/5/2024, 89 FR 96554.	
793	Emissions standards for nonmetallic mineral processing plants not subject to 40 CFR part 60, subpart OOO.	3/28/2023	12/5/2024, 89 FR 96554.	
794	Permit requirements	3/28/2023	12/5/2024, 89 FR 96554	Except subsection 794.04.
795	Permit by rule requirements	3/28/2023		
796	Applicability	3/28/2023	12/5/2024, 89 FR 96554.	
797	Registration for permit by rule	3/28/2023	12/5/2024, 89 FR 96554.	
798	Electrical generators	3/28/2023	12/5/2024, 89 FR 96554.	
799	Nonmetallic mineral processing plan fugitive dust best management practice.	3/15/2002	8/12/2016, 81 FR 53290.	
815	Rules for control of kraft pulp mills	3/28/2023	12/5/2024, 89 FR 96554.	
818	Kraft pulp mill LVHC and HVLC gas venting notification and reporting.	3/28/2023	12/5/2024, 89 FR 96554.	

TABLE 2 TO PARAGRAPH (c)—STATE STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanations
Section 4 of Senate Bill 1024, codified at Idaho Code section 39–114.	Open Burning of Crop Residue	2/26/2019	12/9/2019, 84 FR 67189.	
Idaho Code section 39–107(1)(a).	Board—Composition—Officers—Compensation—Powers—Subpoena—Depositions—Review—Rules.	7/1/2022	5/26/2023, 88 FR 34093	To satisfy the requirements of CAA section 128(a)(1) and CAA section 110(a)(2)(E)(ii) for all criteria pollutants.
Idaho Code section 39.103	Definitions	7/1/2010	12/5/2024, 89 FR 96554	Except (4), (5), (8), (9), (10), (12), (13), (14), (15), (16), (17), and (18).

TABLE 3 TO PARAGRAPH (c)—CITY AND COUNTY CODES AND ORDINANCES

State citation	Title/subject	State effective date	EPA approval date	Explanations
City of Sandpoint Ordinance No. 939.	Material Specifications for Street Sanding Material.	2/22/1994 (City adoption date).	6/26/2002, 67 FR 43006	Sandpoint PM_{10} Nonattainment Area Plan.
City of Sandpoint Chapter 8 Air Quality (4–8–1 through 4–8–14).	Solid Fuel Heating Appliances.	9/21/2011 (City adoption date).	4/3/2013, 78 FR 20001	Codified version of City of Sandpoint Ordinance No. 965 as amended by Ordinance No. 1237 and Ordinance No. 1258. Sandpoint PM_{10} Limited Maintenance Plan.
Boise City Ordinance 4432 ...	Parking Permits	8/13/1979 (City approval date).	6/6/1985, 50 FR 23810	Transportation Control Plan for carbon monoxide, Ada County.
City of Garden City Ordinance 514, 533, and 624.	Solid Fuel Heating Appliance Ordinance of the City of Garden City, Idaho.	5/14/1987, 1/10/1989, 9/13/1994 (City approval dates).	5/30/1996, 61 FR 27019	Northern Ada County PM_{10} Nonattainment Area Plan.
Meridian Ordinance 667	Meridian Clean Air Ordinance.	8/16/1994 (City approval date).	5/30/1996, 61 FR 27019	Northern Ada County PM_{10} Nonattainment Area Plan.
City of Eagle Ordinance 245	City of Eagle Clean Air Ordinance.	4/26/1994 (City approval date).	5/30/1996, 61 FR 27019	Northern Ada County PM_{10} Nonattainment Area Plan.
Ada County Ordinance 254 ...	Ada County Clean Air Ordinance.	11/3/1992 (County adoption date).	5/30/1996, 61 FR 27019	Northern Ada County PM_{10} Nonattainment Area Plan.
Table: Ordinance-1	Explanation of enforcement procedures, responsibilities and sources of funding for the Northern Ada County Wood Burning Control Ordinances.	12/30/1994 (date of table)	5/30/1996, 61 FR 27019	Northern Ada County PM_{10} Nonattainment Area Plan.
City of Pocatello Ordinance 2450.	Residential wood combustion curtailment ordinance.	1/12/1994	7/13/2006, 71 FR 39574	Portneuf Valley Nonattainment Area Plan and Maintenance Plan.
City of Pocatello Ordinance 2726.	Revised air quality curtailment levels.	9/18/2003	7/13/2006, 71 FR 39574	Portneuf Valley Nonattainment Area Plan and Maintenance Plan.
City of Chubbuck Ordinance 403.	Residential wood combustion curtailment ordinance.	11/23/1993	7/13/2006, 71 FR 39574	Portneuf Valley Nonattainment Area Plan and Maintenance Plan.
City of Chubbuck Ordinance 582.	Revised air quality curtailment levels.	12/9/2003	7/13/2006, 71 FR 39574	Portneuf Valley Nonattainment Area Plan and Maintenance Plan.
City of Clifton Ordinance No. 120.	Ordinance No. 120	8/11/2012	3/25/2014, 79 FR 16201	Except Section 9 (Penalty).
City of Dayton Ordinance #287.	Ordinance #287	8/8/2012	3/25/2014, 79 FR 16201	Except Section 9 (Penalty).
Franklin City Ordinance No. 2012–9–12.	Solid Fuel Heating Appliances.	9/12/2012	3/25/2014, 79 FR 16201	Except Section 9 (Penalty).
Franklin County Ordinance No. 2012–6–25.	Solid Fuel Heating Appliances.	6/25/2012	3/25/2014, 79 FR 16201	Except Section 9 (Penalty).
City of Oxford Memorandum of Understanding.	Solid Fuel Heating Appliances.	10/22/2012	3/25/2014, 79 FR 16201	Except #2 of the MOA and Section 9 of Exhibit A.
City of Preston Ordinance No. 2012–1.	Ordinance No. 2012–1	6/11/2012	3/25/2014, 79 FR 16201	Except Section 9 (Penalty).
City of Weston Ordinance No. 2012–01.	Ordinance No. 2012–01	8/1/2012	3/25/2014, 79 FR 16201	Except Section 9 (Penalty).

(d) *EPA approved source-specific requirements.*

TABLE 4 TO PARAGRAPH (d)—STATE SOURCE-SPECIFIC REQUIREMENTS [1]

Name of source	Permit No.	State effective date	EPA approval date	Explanation
LP Wood Polymers, Inc., Meridian, Idaho.	001–00115	7/12/2002	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 3.1, and the Appendix. (Boise/Ada County Maintenance Plan).
Consolidated Concrete Company, Boise, Idaho.	001–00046	12/3/2001	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 2.3, 3.1, 3.2, and the Appendix. (Boise/Ada County Maintenance Plan).
Crookham Company, Caldwell, Idaho.	027–00020	1/18/2002	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 2.1, 2.3, 3.1, 3.1.1, 3.1.2, 3.2, and the Appendix. (Boise/Ada County Maintenance Plan).

TABLE 4 TO PARAGRAPH (d)—STATE SOURCE-SPECIFIC REQUIREMENTS [1]—Continued

Name of source	Permit No.	State effective date	EPA approval date	Explanation
Double D Service Center, Meridian, Idaho.	001–00168	2/4/2002	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 3.1, 3.2.1, 3.2.2, 3.2.3, and the Appendix. (Boise/Ada County Maintenance Plan).
Plum Creek Northwest Lumber, Inc., Meridian, Idaho.	001–00091	7/12/2002	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 2.1.2, 3.1, and the Appendix. (Boise/Ada County Maintenance Plan).
C. Wright Construction, Inc., Meridian, Idaho.	T2–000033	7/8/2003	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.5, (2.12, Table 2.2 as it applies to PM_{10}), 2.14, 3 (heading only), 3.3, Table 3.2, 3.4, 3.5, 3.6, 3.7, 3.8, 3.10, 4 (heading only), 4.2, 4.3, 4.4, 4.7, 5, and Table 5.1. (Boise/Ada County Maintenance Plan).
Nelson Construction Co., Boise, Idaho.	T2–020029	7/21/2003	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.12, 2.14, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.9, 3.10, 3.11, 3.12, 4 (heading only), 4.3, 4.4, 4.5, 4.6, 5, and Table 5.1. (Boise/Ada County Maintenance Plan).
Mike's Sand and Gravel, Nampa, Idaho.	001–00184	7/12/2002	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 2.2.1, 3.1, and the Appendix. (Boise/Ada County Maintenance Plan).
Idaho Concrete Co., Eagle, Idaho	T2–020031	7/8/2003	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1. (Boise/Ada County Maintenance Plan).
Idaho Concrete Co., Eagle, Idaho	T2–020032	7/8/2003	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1. (Boise/Ada County Maintenance Plan).
Idaho Concrete Co. Eagle, Idaho	T2–020033	7/8/2003	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1. (Boise/Ada County Maintenance Plan).
The Amalgamated Sugar Company LLC, Nampa, Idaho.	027–00010	9/30/2002	10/27/2003, 68 FR 61106 and 11/1/2004, 69 FR 63324.	The following conditions: 2 (heading only), (2.7, Table 2.2 as it applies to PM_{10},) 2.10, 2.10.1, 2.10.2, 2.11, 2.11.1, 2.11.2, 2.11.3, 2.11.4, 2.11.5, 2.12, 2.12.1, 2.12.2, 2.12.3, 2.13, 2.13.1, 2.13.2, 2.13.3, 2.14, 2.14.1, 2.14.2, 2.16, 3 (heading only), (3.3, Table 3.2 as it applies to PM_{10}), 3.5, 3.7, 3.8, 3.8.1, 3.8.2, 3.8.3, 3.8.4, 3.8.5, 3.8.6, 3.8.7, 3.8.8, 3.9, 4 (heading only), (4.3, Table 4.1 as it applies to PM_{10}), 4.5, 4.6, 4.7, 5 (heading only), (5.3, Table 5.3 as it applies to PM_{10}), 5.5, 5.9, 5.9.1, 5.9.2, 5.9.3, 5.9.4, 5.9.5, 5.9.6, 5.9.7, 5.9.8, 5.9.9, 5.10, 5.11, 6 (heading only), 6.3, Table 6.1, 6.5, 6.6, 6.7, 6.7.1, 6.7.2, 6.8, 7 (heading only), 7.3, Table 7.1 as it applies to PM_{10}, 7.5, 7.7, 7.7.1, 7.7.2, 7.8, 8 (heading only), 8.3, Table 8.1, 8.5, 8.7, 8.7.1, 8.7.2, 8.8, 9 (heading only), 9.3, Table 9.1, 9.5, 9.7, 9.7.1, 9.7.2, 9.8, 10 (heading only), 10.3, Table 10.1, 10.6, 10.8, 10.8.1, 10.8.2, 10.9, 11 (heading only), 11.3, Table 11.2, 11.6, 11.8, 11.8.1, 11.8.2, 11.9, 12 (heading only), 12.3, Table 12.1, 12.5, 12.7, 12.7.1, 12.7.2, 12.8, 13 (heading only), 13.1 (except as it applies to condition 13.3, 13.3.1, 13.3.2, 13.5, 13.5.1, 13.5.2, 13.5.3, 13.6, 13.6.1, 13.6.2 and 13.9), Table 13.1 (except conditions 13.3, 13.5 and 13.6), (13.2, Table 13.2 as it applies to PM_{10}), 13.2.1, 13.4, 13.4.1, 13.4.2, 13.4.3, 13.7, 13.7.1, 13.7.2, 13.8, 13.8.1, 13.8.2, 13.8.3, 13.10, and 13.11. (Boise/Ada County PM_{10} Maintenance Plan).
Lake Pre-Mix, Sandpoint, Idaho	777–00182	5/17/1996	6/26/2002, 67 FR 43006.	The following conditions for the cement silo vent: 1.1, 2.1.1, 2.1.2, 3.1.1, and 3.1.2. (Sandpoint nonattainment area plan).
Interstate Concrete and Asphalt, Sandpoint, Idaho.	017–00048	8/2/1999	6/26/2002, 67 FR 43006.	The following conditions: for the asphalt plant, 2.2, 3.1.1, 4.1, 4.1.1, 4.1.2, 4.2.1 (as it applies to the hourly PM_{10} emission limit in Appendix A), 4.2.2, 4.2.2.1, 4.2.2.2, and 4.2.2.3; for the concrete batch plant, 2.1, 3.1.1, 4.1, 4.1.1, and 4.1.2; Appendix A (as it applies to PM_{10} emission rates after 7/1/96) and Appendix B (as it applies after 7/1/96). (Sandpoint nonattainment area plan).
Whiteman Lumber Company, Cataldo, ID.	13–1420–062	7/16/1979 (date issued).	7/28/1982, 47 FR 32530.	Silver Valley TSP Nonattainment Area Plan.
Potlatch Corporation, Pulp and Paper Unit, Lewiston, ID.	13–1140–0001–00	7/5/1979 (date issued).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
Potlatch Corporation, Clearwater Unit, Lewiston, ID.	13–1140–0003	7/5/1979 (date issued).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
Coast Trading Company, Inc., Lewiston, ID.	13–1140–0011	6/29/1979 (date issued).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
Lewis-Clark Terminal Association, Lewiston, ID.	13–1140–0010	6/29/1979 (date issued).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
Poe Asphalt, Lewiston, ID	0880–0008	3/1/1976 (effective date).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
FMC Corporation, Pocatello, ID [2]	13–1260–0005	2/26/1980 (date issued).	7/28/1982, 47 FR 32530.	Pocatello TSP Nonattainment Area Plan.
J.R. Simplot, Pocatello, ID	13–1260–0006–00	3/4/1980 (date issued).	7/28/1982, 47 FR 32530.	Pocatello TSP Nonattainment Area Plan.
Idaho Portland Cement Company, Inkom, ID.	13–0080–0004–00	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Pocatello TSP Nonattainment Area Plan.
J.R. Simplot Company, Conda, ID	13–0420–0021–00	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Soda Springs TSP Nonattainment Area Plan.
Beker Industries, Conda, ID	13–0420–0003–00	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Soda Springs TSP Nonattainment Area Plan.
Monsanto, Soda Springs, ID	13–0420–0001–00	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Soda Springs TSP Nonattainment Area Plan.
Kerr McGee, Soda Springs, ID	13–0420–0002–00	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Soda Springs TSP Nonattainment Area Plan.

TABLE 4 TO PARAGRAPH (d)—STATE SOURCE-SPECIFIC REQUIREMENTS [1]—Continued

Name of source	Permit No.	State effective date	EPA approval date	Explanation
J.R. Simplot, Pocatello, Idaho	Air Pollution Operating Permit No. T1–9507–114–1; Facility Number No. 077–00006.	4/5/2004	7/13/2006, 71 FR 39574.	The following conditions: Cover page, facility identification information only, #300 Sulfuric Acid Plant, Permit Conditions 16.1, 16.10, 16.11, #400 Sulfuric Acid Plant, Permit Condition 17.1, 17.7, 17.10, 17.11, Phosphoric acid plant, Permit Condition 12.3, 12.13, Granulation No. 3 Process, Permit Condition 9.2.1, Granulation No. 3 stack, 9.17 (except 9.17.1 through 9.17.6), Reclaim Cooling Towers, Permit Condition 14.2, 14.6.1, Babcock & Wilcox Boiler, Permit Condition 6.4, 6.12, HPB&W Boiler, Permit Condition 5.3, 5.13 through 5.18, 5.21.
J.R. Simplot, Pocatello, Idaho	Compliance Agreement & Voluntary Order Idaho Code 39–116A.	4/16/2004	7/13/2006, 71 FR 39574.	The following conditions: No. 300 Sulfuric Acid Plant; Condition 8 and 9. No. 400 Sulfuric Acid Plant; Condition 10, 11, and 12. Granulation No. 1 Plant; Condition 14. Granulation No. 2 Plant; Condition 15. Compliance and Performance Testing; Condition 16.
The Amalgamated Sugar Company LLC—Nampa Factory, Nampa, Idaho.	T2–2009.0105	12/23/2011 (date issued).	4/28/2014, 79 FR 23273.	The following conditions: 1.2, including the table of Regulated Emission Point Sources Table, 3.2, 3.3 (first paragraph only), 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.13, 3.14, 3.15, 3.16, and 4.1.
P4 Production, L.L.C., Soda Springs, Idaho.	T2–2009.0109	11/17/2009 (date issued).	6/22/2011, 76 FR 36329.	The following conditions: 1.2 (including Table 1.1), 2.3, 2.4, 2.5, 2.6, 2.7, and 2.8. (Regional Haze SIP Revision).

[1] EPA does not have the authority to remove these source-specific requirements in the absence of a demonstration that their removal would not interfere with attainment or maintenance of the NAAQS, violate any prevention of significant deterioration increment or result in visibility impairment. Idaho Department of Environmental Quality may request removal by submitting such a demonstration to EPA as a SIP revision.

[2] Only a small portion of this facility is located on State lands. The vast majority of the facility is located in Indian Country. It is EPA's position that unless EPA has explicitly approved a program as applying in Indian country, State or local regulations or permits are not effective within the boundaries of that Indian country land for purposes of complying with the CAA. See 68 FR 2217, 2220 (January 16, 2003).

(e) *EPA approved nonregulatory provisions and quasi-regulatory measures.*

TABLE 5 TO PARAGRAPH (e)—STATE PROVISIONS APPROVED BUT NOT INCORPORATED BY REFERENCE

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
Appendix A.2—Idaho Environmental Protection and Health Act, Idaho Code Section 39–101 *et seq.*	State-wide	3/15/2001	1/16/2003, 68 FR 2217.	
Four sections of Appendix A.3—Rules and Regulations for Control of Air Pollution in Idaho—that were approved but not incorporated by reference in section (c).	State-wide	5/17/1994	1/16/2003, 68 FR 2217	IDAPA 58.01.01.000 (legal authority), 58.01.01.002 (written interpretations), 58.01.01.003 (administrative appeals), and 58.01.01.128 (confidential business information).
Idaho State Board SIP Revision; Idaho Code §§ 59–701 through 705; Ethics in Government Act.	State-wide	9/16/2013	10/24/2013, 78 FR 63394 ...	To satisfy the requirements of CAA section 128(a)(2) and CAA section 110(a)(2)(E)(ii) for all criteria pollutants.
Idaho Department of Environmental Quality letter dated October 18, 2013 supplementing the May 9, 2013 SIP Submittal.	State-wide	10/24/2013	3/3/2014, 79 FR 11711.	
Road Sanding Agreement, Idaho Transportation Department to Idaho Department of Environmental Quality (Voluntary Measure).	Franklin County, Logan UT–ID $PM_{2.5}$ Nonattainment Area.	12/19/2012	3/25/2014, 79 FR 16201	Fine Particulate Matter Control Measures; Franklin County.
Letter of Intent PM 2.5 Reduction, Franklin County Road Department to Department of Environmental Quality (Voluntary Measure).	Franklin County, Logan UT–ID $PM_{2.5}$ Nonattainment Area.	12/19/2012	3/25/2014, 79 FR 16201	Fine Particulate Matter Control Measures; Franklin County.

TABLE 6 TO PARAGRAPH (e)—STATE ATTAINMENT, MAINTENANCE, AND OTHER PLANS

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
Chapter I—Introduction	State-wide	1/15/1980	7/28/1982, 47 FR 32530.	
Chapter II—Administration	State-wide	1/15/1980	7/28/1982, 47 FR 32530.	
Chapter III—Emission Inventory	State-wide	1/15/1980, 2/14/1980.	7/28/1982, 47 FR 32530.	
Chapter IV—Air Quality Monitoring	State-wide	1/15/1980	7/28/1982, 47 FR 32530.	
Chapter V—Source Surveillance	State-wide	1/15/1980	7/28/1982, 47 FR 32530.	

TABLE 6 TO PARAGRAPH (e)—STATE ATTAINMENT, MAINTENANCE, AND OTHER PLANS—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
Chapter VI—Emergency Episode Plan ..	State-wide	1/15/1980	7/28/1982, 47 FR 32530.	
Chapter VIII—Nonattainment Area Plans				
Chapter VIII–a	Silver Valley TSP Nonattainment Area Plan.	1/15/1980	7/28/1982, 47 FR 32530.	
Chapter VIII–b	Lewiston TSP Nonattainment Area Plan.	1/15/1980, 12/4/1980, and 2/5/1981.	7/28/1982, 47 FR 32530.	
Chapter VIII–c	Transportation Control Plan for carbon monoxide, Ada County.	5/24/1984, 1/3/1985, 3/25/1985, and 6/29/1994.	7/28/1982, 47 FR 32530, 6/6/1985, 50 FR 23810, and 12/1/1994, 59 FR 61546.	
Chapter VIII–d	Pocatello TSP Nonattainment Area Plan.	3/7/1980 and 2/5/1981.	7/28/1982, 47 FR 32530.	
Chapter VIII–e	Soda Springs TSP Nonattainment Area Plan.	1/15/1980	7/28/1982, 47 FR 32530.	
Chapter VIII–f	Pinehurst PM–10 Nonattainment Area Plan.	4/14/1992	8/25/1994, 59 FR 43745.	
Chapter VIII–g	Northern Ada County PM10 Nonattainment Area Plan.	11/14/1991, 12/30/1994, and 7/13/1995.	5/30/1996, 61 FR 27019.	
Chapter VIII–h	Sandpoint PM10 Nonattainment Area Plan.	8/16/1996	6/26/2002, 67 FR 43006.	
Chapter VIII–i	Northern Ada County CO Limited Maintenance Plan.	1/17/2002	10/28/2002, 67 FR 65713.	
Chapter VIII–j	Ada County/Boise Idaho PM–10 Maintenance Plan.	9/27/2002, 7/10/2003, and 7/21/2003.	10/27/2003, 68 FR 61106.	
Chapter IX—Reserved				
Chapter X—Plan for Maintenance of National Ambient Air Quality Standards for Lead.	State-wide	2/3/1984	6/4/1984 (EPA effective date).	
Small Business Assistance Program	State-wide	1/3/1994	9/19/1994, 59 FR 47801.	
Appendix A—Legal Authority and Other Administrative Matters.	State-wide	1/15/1980	7/28/1982, 47 FR 32530.	
Northern Ada County Air Quality Maintenance Area Second 10-year Carbon Monoxide Limited Maintenance Plan.	Northern Ada County.	2/10/2011	8/2/2012, 77 FR 45962.	
Northern Ada County Carbon Monoxide Limited Maintenance Plan Revision.	Northern Ada County.	12/29/2022	6/15/2023, 88 FR 39179.	Removal of I/M program.
Northern Ada County PM_{10} Second Ten-Year Maintenance Plan.	Northern Ada County.	3/11/2013	10/2/2014, 79 FR 59435.	
Portneuf Valley PM_{10} Nonattainment Area Plan and Maintenance Plan.	Portneuf Valley	7/13/2006	71 FR 39574	
Portneuf Valley PM_{10} Maintenance Plan—Revision.	Portneuf Valley	4/21/2014	7/17/2014, 79 FR 41647.	
Pinehurst PM_{10} Contingency Measures	Pinehurst/Shoshone County.	7/13/1995	10/2/2014, 79 FR 59435.	
Pinehurst PM_{10} Limited Maintenance Plan.	Shoshone County; Pinehurst Expansion Area and City of Pinehurst.	9/29/2017	9/11/2018, 83 FR 45830.	
Sandpoint PM_{10} Nonattainment Area Limited Maintenance Plan.	Bonner County: Sandpoint Area.	12/14/2011	4/3/2013, 78 FR 20001.	
Fine Particulate Matter Baseline Emissions Inventory.	Franklin County, Logan UT–ID $PM_{2.5}$ Nonattainment Area.	12/19/2012	7/18/2014, 79 FR 41904.	Fine Particulate Matter; Franklin County.
Cache Valley Fine Particulate Matter Attainment Plan.	Franklin County, Logan UT–ID $PM_{2.5}$ Nonattainment Area.	12/19/2012, 12/24/2014, 7/31/2018.	1/4/2017, 82 FR 729; 8/8/2017, 82 FR 37025; 2/20/2020, 85 FR 9664.	

TABLE 6 TO PARAGRAPH (e)—STATE ATTAINMENT, MAINTENANCE, AND OTHER PLANS—Continued

Name of SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanations
Cache Valley Fine Particulate Matter Maintenance Plan.	Franklin County, Logan UT–ID $PM_{2.5}$ Area.	9/13/2019	5/21/2021, 86 FR 27532.	
West Silver Valley $PM_{2.5}$ Maintenance Plan.	West Silver Valley, ID.	6/2/2020	11/16/2021, 86 FR 63315.	
Open Burning of Crop Residue State Implementation Plan Revision.	State-wide	5/28/2008	8/1/2008, 73 FR 44915.	
Open Burning of Crop Residue State Implementation Plan Revision.	State-wide	9/22/2017, 10/23/2017.	6/19/2018, 83 FR 28382.	Original submission and supplemental modeling analyses.
Interstate Transport State Implementation Plan, May 11, 2010 (see comments).	State-wide	6/28/2010	11/26/2010, 75 FR 72705.	For the 1997 8-hour ozone NAAQS and the 1997 $PM_{2.5}$ NAAQS. See docket EPA–R10–OAR–2010–0669.
Section 110(a)(2) Infrastructure Requirements for the 1997 8-hour Ozone NAAQS.	State-wide	9/15/2008, 6/24/2010.	7/17/2012, 77 FR 41916.	This action addresses following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(ii), (E)(i), (E)(iii), (F), (G), (H), (J), (K), (L), and (M).
Section 110(a)(2) Infrastructure Requirements for the 2008 Pb NAAQS.	State-wide	2/14/2012	5/22/2014, 79 FR 29358.	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M).
Section 110(a)(2) Infrastructure Requirements for the 1997 $PM_{2.5}$ NAAQS.	State-wide	9/15/2008; 6/28/2010.	7/14/2014, 79 FR 40662.	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
Section 110(a)(2) Infrastructure Requirements for the 2006 $PM_{2.5}$ NAAQS.	State-wide	6/28/2010; 8/10/2011.	7/14/2014, 79 FR 40662.	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
Section 110(a)(2) Infrastructure Requirements for the 2008 Ozone NAAQS.	State-wide	6/28/2010	7/14/2014, 79 FR 40662.	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
Section 110(a)(2) Infrastructure Requirements for the 2010 NO_2 NAAQS.	State-wide	9/16/2013	8/11/2014, 79 FR 46708.	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
Section 110(a)(2) Infrastructure Requirements for the 2010 SO_2 NAAQS.	State-wide	9/16/2013	8/11/2014, 79 FR 46708.	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
Interstate Transport Requirements for the 2006 24-hour $PM_{2.5}$ NAAQS.	State-wide	6/28/2010	4/17/2015, 80 FR 21181.	This action addresses the following CAA elements: 110(a)(2)(D)(i)(I).
Interstate Transport Requirements for the 2008 Ozone NAAQS.	State-wide	6/28/2010	12/18/2015, 80 FR 78981.	This action addresses the following CAA elements: 110(a)(2)(D)(i)(I).
Interstate Transport Requirements for the 2010 NO_2 NAAQS.	State-wide	12/24/2015	5/5/2016, 81 FR 27017.	This action addresses the following CAA elements: 110(a)(2)(D)(i)(I).
Section 110(a)(2) Infrastructure Requirements—2012 $PM_{2.5}$ NAAQS.	State-wide	12/23/2015	12/4/2017, 82 FR 57132.	Approves SIP for purposes of CAA sections 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) for the 2012 $PM_{2.5}$ NAAQS.
Interstate Transport Requirements for the 2012 $PM_{2.5}$ NAAQS.	State-wide	12/23/2015	9/24/2018, 83 FR 48240.	This action addresses CAA 110(a)(2)(D)(i)(I).
Section 110(a)(2) Infrastructure Requirements—2015 ozone NAAQS.	State-wide	9/27/2018	9/16/2020, 85 FR 57723.	Approves SIP for purposes of CAA sections 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) for the 2015 ozone NAAQS.
Interstate Transport Requirements for the 2015 Ozone NAAQS.	State-wide	9/26/2018	10/16/2020, 85 FR 65722.	This action addresses CAA 110(a)(2)(D)(i)(I).
Interstate Transport Requirements for the 2010 Sulfur Dioxide NAAQS.	State-wide	12/24/2015	4/9/2021, 86 FR 18457.	This action addresses CAA 110(a)(2)(D)(i)(I).
Regional Haze SIP Revision	State-wide	10/25/2010	6/22/2011, 76 FR 36329.	The portion of the Regional Haze SIP revision relating to BART, the calculation of baseline and natural conditions, and the statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment in any mandatory Class I Federal Area.
Regional Haze SIP Revision	State-wide	10/25/2010	11/8/2012, 77 FR 66929.	The portion of the Regional Haze SIP relating to the reasonable progress goals, long term strategy, monitoring strategy, consultation with states and Federal Land Managers, periodic SIP revisions, and 5-year progress reports.
Regional Haze SIP Revision	State-wide	6/29/2012	4/28/2014, 79 FR 23273.	The portion of the Regional Haze SIP relating to BART for the TASCO, Nampa facility.
Regional Haze 5-Year Progress Report	State-wide	6/28/2016	7/15/2019, 84 FR 33697.	

[FR Doc. 2025–11824 Filed 6–26–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[RTID 0648–XF002; Docket No. 250312–0036]

Fisheries of the Exclusive Economic Zone Off Alaska; Several Groundfish Species in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; apportionment of reserves; request for comments.

SUMMARY: NMFS apportions amounts of the non-specified reserve to the initial total allowable catch (ITAC) of Bering Sea (BS) Greenland turbot, BS ''other rockfish,'' BS Pacific ocean perch, and Bering Sea and Aleutian Islands (BSAI) ''other flatfish.'' This action is necessary to allow the fisheries to continue operating. It is intended to promote the goals and objectives of the fishery management plan for the BSAI management area.

DATES: Effective June 26, 2025, through 2400 hours, Alaska local time, December 31, 2025. Comments must be received at the following address no later than 4:30 p.m., Alaska local time, July 11, 2025.

ADDRESSES: You may submit comments on this document, identified by docket number NOAA–NMFS–2024–0116, by any of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e- Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA–NMFS–2024–0116 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

Mail: Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, 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: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the BSAI Management Area (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2025 ITAC of BS Greenland turbot was established as 1,203 metric tons (mt), the 2025 ITAC of BS ''other rockfish'' was established as 543 mt, the 2025 ITAC of BS Pacific ocean perch was established as 8,603 mt, and the 2025 ITAC of BSAI ''other flatfish'' was established as 3,825 mt by the final 2025 and 2026 harvest specifications for groundfish of the BSAI (90 FR 12640, March 18, 2025). In accordance with § 679.20(a)(3) the Regional Administrator, Alaska Region, NMFS, has reviewed the most current available data and finds that the ITACs for BS Greenland turbot, BS ''other rockfish,'' BS Pacific ocean perch, and BSAI ''other flatfish'' need to be supplemented from the non-specified reserve to promote efficiency in the utilization of fishery resources in the BSAI and allow fishing operations to continue.

Therefore, in accordance with § 679.20(b)(3), NMFS apportions from the non-specified reserve of groundfish to ITACs in the BSAI management area as follows: 61 mt to BS Greenland turbot, 96 mt to BS ''other rockfish,'' 1,518 mt to BS Pacific ocean perch, and 1,400 mt to BSAI ''other flatfish.'' These apportionments are authorized by § 679.20(b)(1)(i) and consistent with § 679.20(a)(3) and do not result in overfishing of any target species because the revised ITACs and total allowable catches (TACs) are equal to or less than the specifications of the acceptable biological catch in the final 2025 and 2026 harvest specifications for groundfish in the BSAI (90 FR 12640, March 18, 2025).

The harvest specifications for the 2025 ITACs and TACs included in the final 2025 and 2026 harvest specifications for groundfish in the BSAI are revised as follows: 1,415 mt for BS Greenland turbot TAC (which reflects the revised ITAC of 1,264 mt and the Community Development Quota reserve allocation of 151 mt), 639 mt for BS ''other rockfish,'' 10,121 mt for BS Pacific ocean perch, and 5,225 mt for BSAI ''other flatfish.''

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the apportionment of the non-specified reserves of groundfish to BS Greenland turbot, BS ''other rockfish,'' BS Pacific ocean perch, and BSAI ''other flatfish.'' This action is necessary for the efficient utilization of fishery resources in the BSAI and to allow the fisheries harvesting these groundfish to continue operating. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on catch of BS Greenland turbot, BS ''other rockfish,'' BS Pacific ocean perch, and BSAI ''other flatfish'' only became available as of June 13, 2025. Finally, NMFS provided notice and an opportunity for public comment on the proposed 2025 and 2026 harvest specifications for groundfish in the BSAI that included the amount of proposed non-specified reserves from which NMFS can apportion to any target species that contributed to that reserve (89 FR 96186, December 4, 2024). The final 2025 and 2026 harvest specifications for groundfish in the BSAI explained that, during the fishing year, any amount of the non-specified reserve may be apportioned by NMFS to a target species that contributed to the non-specified reserves consistent with § 679.20(b)(1)(i) (90 FR 12640, March 18, 2025).

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Under § 679.20(b)(3)(iii), interested persons are invited to submit written comments on this action (see **ADDRESSES** section) until July 11, 2025.

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

Dated: June 24, 2025.

Kelly Denit,

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

[FR Doc. 2025–11867 Filed 6–26–25; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 90, No. 122
Friday, June 27, 2025

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–1120; Project Identifier MCAI–2025–00019–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A350–941 and –1041 airplanes. This proposed AD was prompted by reports of electronic centralized aircraft monitor (ECAM) messages requiring flight control remote module (FCRM) replacement linked to solder structural fatigue. This proposed AD would require replacement of affected parts before exceeding the life limit and would limit the installation of affected parts under certain conditions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by August 11, 2025.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–1120; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2025–1120.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Kin Suen Chan, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: 847–294–7496; email: *kin.suen.chan@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2025–1120; Project Identifier MCAI–2025–00019–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Kin Suen Chan, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: 847–294–7496; email: *kin.suen.chan@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0008, dated January 9, 2025 (EASA AD 2025–0008) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A350–941 and –1041 airplanes. The MCAI states occurrences of ECAM messages requiring FCRM replacement have been reported, and further investigation identified an issue linked to solder structural fatigue. This condition, if not corrected, could lead to failure of a flight control actuator, possibly resulting in reduced control of the airplane.

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–1120.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0008 specifies procedures for replacing affected FCRMs with serviceable FCRMs and testing the serviceable FCRMs. EASA AD 2025–0008 also limits the

installation of affected parts under certain conditions.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0008 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0008 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0008 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0008 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2025–0008. Material required by EASA AD 2025–0008 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–1120 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 35 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hours × $85 per hour = $85	$28,000	$28,085	$982,975 (per FCRM).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2025–1120; Project Identifier MCAI–2025–00019–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 11, 2025.

(b) Affected ADs

None.

(c) Applicability

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

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of electronic centralized aircraft monitor (ECAM) messages requiring flight control remote module (FCRM) replacement linked to solder structural fatigue. The FAA is issuing this AD to address potential failure of a flight control actuator. The unsafe condition, if not addressed, could result in reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0008, dated January 9, 2025 (EASA AD 2025–0008).

(h) Exceptions to EASA AD 2025–0008

(1) Where EASA AD 2025–0008 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0008 defines a serviceable part as an ''FCRM, eligible for installation in accordance with Airbus instructions, which is not an affected part; or an affected part that has accumulated less than 9 000 flight cycles (FC) and less than 50 000 flight hours (FH) since first installation on any aeroplane (see Note 1 of this AD)'', this AD requires replacing that text with ''FCRM, eligible for installation, which is not an affected part; or an affected part that has accumulated less than 9 000 flight cycles (FC) and less than 50 000 flight hours (FH) since first installation on any aeroplane (see Note 1 of this AD)''.

(3) Where EASA AD 2025–0008 specifies to ''replace each affected part with a serviceable part, as defined in this AD, in accordance with the instructions of the SB'', this AD requires replacing that text with ''replace each affected part with a serviceable part, as defined in this AD and test in accordance with paragraph 3.E. of the Accomplishment Instructions of the SB.''

(4) Where EASA AD 2025–0008 specifies ''the affected part is replaced as required by paragraph (1) of this AD'', this AD requires replacing that text with ''the affected part is replaced with a serviceable part at the applicable time specified in row A of Table 1 of this AD.''

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0008.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0008 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

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

(k) Additional Information

For more information about this AD, contact Kin Suen Chan, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: 847–294–7496; email: *kin.suen.chan@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0008, dated January 9, 2025.

(ii) [Reserved]

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

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

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

Issued on June 24, 2025.

Peter A. White,

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

[FR Doc. 2025–11964 Filed 6–26–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–1275; Airspace Docket No. 25–AGL–11]

RIN 2120–AA66

Amendment of Class D and Class E Airspace; Elkhart and Goshen, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D and Class E airspace at Elkhart, IN, and the Class E airspace at Goshen, IN. The geographic coordinates of the Elkhart Municipal Airport, Elkhart, IN, and the Goshen Municipal Airport, Goshen, IN, would also be updated to coincide with the FAA's aeronautical database. The FAA is proposing this action as the result of airspace reviews conducted due to the decommissioning of the Goshen very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operational Network (MON) Program. This action will bring the airspace into compliance with FAA orders and supports instrument flight rule (IFR) procedures and operations.

DATES: Comments must be received on or before August 11, 2025.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–1275 and Airspace Docket No. 25–AGL–11 using any of the following methods:

* *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instruction for sending your comments electronically.

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200

New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11J, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class D airspace and the Class E airspace extending upward from 700 feet above the surface at Elkhart Municipal Airport, Elkhart, IN, and the Class E airspace extending upward from 700 feet above the surface at Goshen Municipal Airport, Goshen, IN, to support IFR operations at these airports.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov* as described in the system of records notice (DOT/ALL–14FDMS), which can be reviewed at *www.dot.gov/privacy.*

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

Class D and E airspace is published in paragraphs 5000 and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These updates would be published subsequently in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11J, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by:

Modifying the Class D airspace: (1) to within a 4.7-mile (increased from a 4.3-mile) radius of Elkhart Municipal Airport, Elkhart, IN; (2) updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; (3) increasing the exclusion area around Mishawaka Pilots Club Airport to 1.5 miles (increased from 1 mile); (4) updating the title of the South Bend, Michiana Regional Airport, IN, (previously Michiana, IN) Class C airspace contained within the legal description; and (5) updating the outdated term ''Airport/Facility Directory'' to ''Chart Supplement'';

Modifying the Class E airspace extending upward from 700 ft above the surface: (1) to within a 7.2-mile (increased from a 6.8-mile) radius of Elkhart Municipal Airport; (2) adding an extension within 4 miles each side of the 270° bearing of the Elkhart Muni: RWY 27–LOC extending from the 7.2-mile radius to 11.4 miles west of the airport; (3) removing the exclusionary language as it is no longer required; and (4) updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database;

Also, modifying the Class E airspace extending upward from 700 ft above the surface: (1) to within a 7.9-mile (increased from a 6.8-mile) radius of the Goshen Municipal Airport, Goshen, IN; and (2) updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of airspace reviews conducted as part of the decommissioning of the Goshen VOR as part of the VOR MON Program.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AGL IN D Elkhart, IN [Amended}

Elkhart Municipal Airport, IN
(Lat 41°43′10″ N, long 86°00′12″ W)
Mishawaka Pilots Club Airport, IN
(Lat 41°39′25″ N, long 86°02′05″ W)

That airspace extending upward from the surface to and including 3,300 feet MSL within a 4.7-mile radius of the Elkhart Municipal Airport; excluding that airspace within a 1.5-mile radius of the Mishawaka Pilots Club Airport; and excluding that portion which coincides with the South Bend, Michiana Regional Airport, IN, Class C airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL IN E5 Elkhart, IN [Amended]

Elkhart Municipal Airport, IN
(Lat 41°43′10″ N, long 86°00′12″ W)
Elkhart Muni: RWY 27–LOC
(Lat 41°43′15″ N, long 86°01′21″ W)

That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of Elkhart Municipal Airport; and within 4 miles each side of the 270° bearing from the Elkhart Muni: RWY 27–LOC extending from the 7.2-mile radius to 11.4 miles west of the airport.

* * * * *

AGL IN E5 Goshen, IN [Amended]

Goshen Municipal Airport, IN
(Lat 41°31′34″ N, long 85°47′39″ W)

That airspace extending upward from 700 feet above the surface within a 7.9-mile radius of Goshen Municipal Airport.

* * * * *

Issued in Fort Worth, Texas, on June 25, 2025.

Dallas W. Lantz,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2025–11925 Filed 6–26–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

[SATS No. WY–055–FOR; Docket ID: OSM–2025–0002; S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

Wyoming Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed regulatory amendment to the Wyoming coal program (Wyoming program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). On January 19, 2024, and effective February 20, 2024, OSMRE approved with exceptions an amendment to Wyoming's regulations for coal exploration by drilling (SATS No. WY–050–FOR). In the final rule under ''Revisions to Wyoming's Rules That We Are Not Approving,'' we listed several provisions containing typographical errors that Wyoming would need to correct through a future program amendment.

DATES: We will accept written comments on this amendment until 4 p.m. MDT on July 28, 2025. If requested, we may hold a public hearing or meeting on the amendment on July 22, 2025. We will accept requests to speak at a hearing until 4 p.m. MDT on July 14, 2025.

ADDRESSES: You may submit comments, identified by SATS No. WY–055–FOR, by any of the following methods:

- *Mail/Hand Delivery:* OSMRE, Attn: Jeffrey Fleischman, P.O. Box 11018, 100 East B Street, Room 4100, Casper, Wyoming 82602.
- *Fax:* (307) 261–6552.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. The docket number is OSM–2025–0002.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Wyoming program, this amendment, a listing of any scheduled public hearings or meetings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSMRE's Casper Field Office or the full text of the program amendment is available for you to read at *www.regulations.gov.*

Attn: Jeffrey Fleischman, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Casper, Wyoming 82602, Telephone: (307) 261–6550, Email: *jfleischman@osmre.gov.*

In addition, you may review a copy of the amendment during regular business hours at the following location:

Attn: Brandi O'Brien, Administrator, Wyoming Department of Environmental Quality, Land, Quality Division, 200 West 17th Street, Suite 10, Cheyenne, Wyoming 82002, Telephone: (307) 777–7757, Email: *brandi.obrien@wyo.gov.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Fleischman, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Casper, Wyoming 82602, Telephone: (307) 261–6550, Email: *jfleischman@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Wyoming Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Statutory and Executive Order Review

I. Background on the Wyoming Program

Subject to OSMRE's oversight, section 503(a) of the Act permits a state to assume primacy for the regulation of

surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its approved, State program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. *See* 30 U.S.C. 1253(a)(1) and (7).

On the basis of these criteria, the Secretary of the Interior conditionally approved the Wyoming program on November 26, 1980. You can find background information on the Wyoming program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Wyoming program in the November 26, 1980, **Federal Register** (45 FR 78637). You can also find later actions concerning the Wyoming program and program amendments at 30 CFR 950.10.

II. Description of the Proposed Amendment

By letter dated June 4, 2021, Wyoming sent us an amendment (Document ID No. OSM–2021–0004; SATS No. WY–050–FOR) to its program under SMCRA (30 U.S.C. 1201 *et seq.*). We found Wyoming's proposed amendment administratively complete on July 13, 2021.

Between 1978 and 2007, the Wyoming State legislature enacted a number of revisions to its statutes governing coal exploration by drilling. The proposed statutory revisions reflected organizational updates at the Wyoming Land Quality Division, corrected a typographical error, provided more detailed instructions for plugging and sealing drill holes, incorporated provisions for the awarding of attorney fees and other litigation costs, and included more detailed instructions for bond release. In addition to the statutory changes, on March 2, 2016, the Wyoming Environmental Quality Council approved several revisions to chapter 14 of the Land Quality Division Coal Rules and Regulations governing coal exploration by drilling, which were last updated in 1998. Specifically, the rules were updated to include best management practices and standards adopted by the Wyoming State Engineer's Office that conform with accepted practices established by the American Society for Testing and Materials, the American Water Works Association, and the Wyoming DEQ—Water Quality Division regulations. Other revisions included a list of acceptable grout materials, requirements to plug and immediately cap the entire drill hole, additional identification numbers to facilitate inspections, and minor formatting and organizational changes. Accordingly, the State submitted this proposal to OSMRE on its own initiative.

On January 19, 2024, OSMRE approved with exceptions the WY–050–FOR amendment, effective February 20, 2024 (89 FR 3562). In the final rule under ''Revisions to Wyoming's Rules That We Are Not Approving,'' we noted an inadvertent word-swap in the language proposed for chapter 14, subsection 3(a) addressing reclamation of drill sites and ancillary roads: specifically, the word ''location'' was used instead of the previously approved word ''condition,'' rendering the rule illogical. We also noted Wyoming, in referencing its own ''Land Quality Division Coal Rules and Regulations'' in the language proposed for chapter 14, subsections 3(c), 3(d), 3(e), and 4(d), omitted the word ''Division'' and that made the title of these regulations incomplete.

As laid out in the final rule, by letter dated October 24, 2023, we informed Wyoming of these typographical errors and the need to correct them, while offering to delay rulemaking under WY–050–FOR to accommodate the corrections. Wyoming responded by letter dated November 22, 2023, that, although they had taken the initial steps to address our concerns, the State's internal rulemaking processes would preclude Wyoming from making the corrections within the allowable timeframe. Wyoming subsequently undertook rulemaking to correct the minor errors; the revised rules were approved by the Environmental Quality Council on October 23, 2024, filed with the Wyoming Secretary of State on January 3, 2025, and transmitted to OSMRE on January 22, 2025. In the January 22, 2025, revisions, Wyoming included additional minor corrections noted during our initial review of the original amendment and communicated to the State by email on July 27, 2021. Specifically, we pointed out that in the language proposed for chapter 14, subsection 2(e)(iii), the word ''part'' was misspelled ''peart;'' at subsection 2(g), the punctuation directly after the first use of ''shall'' should probably have been a colon instead of a semicolon; and at subsection 2(h), the punctuation directly after the second use of the term ''material'' should probably have been a period instead of a comma.

During our initial review of the January 22, 2025, revision package, we noticed a new typographical error that was introduced during the rulemaking to correct the previously identified errors. Specifically, in the required correction to chapter 14, subsection 3(e), in referencing its Land Quality Division Coal Rules and Regulations, Wyoming transposed the words ''Coal'' and ''Division'' forming the incorrect title for these regulations as ''Land Quality Coal Division Rules and Regulations.'' We communicated this discrepancy to the State, which was able to make the correction using its streamlined process for non-substantive changes that do not require formal rulemaking. Accordingly, on February 7, 2025, Wyoming retransmitted a corrected copy of the January 22, 2025, submittal.

The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *www.regulations.gov.*

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Wyoming program.

Electronic or Written Comments

If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m. MDT on July 14, 2025. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record we request, if possible, that each person who speaks at the public hearing provide us with a written copy of their comments. The public hearing will continue until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak, and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Statutory and Executive Order Review

Executive Order 12866—Regulatory Planning and Review and Executive Order 13563—Improving Regulation and Regulatory Review

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance dated October 12, 1993 (OMB Memo M–94–3), the approval of State program amendments is exempted from OMB review under Executive Order 12866. Executive Order 13563, which reaffirms and supplements Executive Order 12866, retains this exemption.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment.

We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 950

State regulatory program approval, State-Federal cooperative agreement, Required program amendments.

Marcelo Calle,

Acting Regional Director, Unified Regions 5, 7–11.

[FR Doc. 2025–11906 Filed 6–26–25; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 62

[EPA–R07–OAR–2025–0263; FRL–12807–01–R7]

Air Plan Approval; Missouri; Control of Sulfur Dioxide Emissions and Approval and Promulgation of State Plan (Negative Declaration) for Designated Facilities and Pollutants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve revisions to the Missouri State Implementation Plan (SIP) submitted by the State of Missouri. Missouri requests that EPA approve replacing the previous statewide sulfur dioxide (SO_2) rule in the SIP with the latest version of a newer SO_2 rule (10 CSR 10–6.261). This action would result in a number of changes to the SIP, including removing outdated requirements as a result of facilities that have historically closed or switched from coal to lower sulfur fuels, as well as those that have become subject to more stringent SO_2 requirements elsewhere in the Missouri SIP. Other revisions include reinstating SO_2 emission limits for the Ameren-Labadie and Evergy-Hawthorn power plants that had been previously removed. The revisions do not impact the stringency of the SIP, nor do they impact the state's ability to attain or maintain the National Ambient Air Quality Standards (NAAQS). In conjunction with proposing approval of revisions to the Missouri SIP, the EPA is proposing to approve Missouri's negative declaration of sources subject to sulfuric acid production requirements submitted by the MoDNR to the EPA on May 4, 2022.

DATES: Comments must be received on or before July 28, 2025.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R07–OAR–2025–0263 to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. EPA–R07–OAR–2025–0263 for this rulemaking. Comments received will be posted without change to *www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Written Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this preamble.

FOR FURTHER INFORMATION CONTACT: Wendy Vit, Environmental Protection Agency, Region 7 Office, Air—Analysis, Grants, Partnership Programs, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7697; email address: *vit.wendy@epa.gov.*

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

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I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2025–0263, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. What is being addressed in this document?

The EPA is proposing to approve revisions to the Missouri SIP received on April 23, 2025. In its submission, the MoDNR requested rescinding 10 CSR 10–6.260 ''Restriction of Emission of Sulfur Compounds'' and replacing it with a newer statewide regulation, 10 CSR 10–6.261 ''Control of Sulfur Dioxide Emissions'' (state effective date May 30, 2025) in the Missouri SIP. At the same time, we are proposing to approve Missouri's negative declaration pursuant to the state's approved Clean Air Act (CAA) 111(d) plan for Sulfuric Acid Mist from Existing Sulfuric Acid Production Plants, which is codified at 40 CFR 62.6353. The negative declaration is necessary for Missouri to remove portions of 10 CSR 10–6.260 that are linked to the state's 111(d) plan for sulfuric acid production.

10 CSR 10–6.260 was originally approved into the SIP at 40 CFR 52.1320(c) in 1998 (63 FR 45727, August 27, 1998) and has been revised in the SIP several times.[1] A portion of 6.260, subsection (3)(A), was solely approved pursuant to the state's 111(d) plan for sulfuric acid production and has never been in the Missouri SIP. 10 CSR 10–6.261 was initially put in place in the Missouri Code of State Regulations (CSR) with an effective date of November 30, 2015, concurrent with the removal of 6.260 from the CSR. Although 6.261 has been revised several times in the Missouri CSR, it has never been approved into the Missouri SIP. On March 7, 2019, Missouri submitted the previous version of 6.261 (state effective date March 30, 2019) and requested that it replace 6.260 in the SIP. However, on January 4, 2023, the EPA finalized disapproval of the requested SIP revision because the state had not demonstrated that the removal of SO_2 emission limits for the Hawthorn and Labadie power plants from the SIP would not interfere with NAAQS attainment and reasonable further progress (RFP), or any other applicable requirement of the CAA.[2] Missouri subsequently revised 6.261 by restoring the Hawthorn and Labadie SO_2 limits from 6.260, as well as making a number of other changes. This most recent revision of 6.261 with a state effective date May 30, 2025, was submitted to the EPA on April 23, 2025 and is the subject of this proposed approval action. Specifically, we are proposing to find that reinstating the Hawthorn and Labadie SO_2 emission limits from 6.260 into 6.261 addresses the deficiencies identified in the EPA's January 4, 2023 disapproval action. In addition, we are proposing to approve replacing 6.260 with 6.261 in the Missouri SIP, as well as approve Missouri's negative declaration in lieu of the 111(d) plan for sulfuric acid production.

In order for the EPA to fully approve a SIP revision, the SIP revision must meet the requirements of CAA section 110(l), 42 U.S.C. 7410(l). Under CAA section 110(l), the EPA may not approve a SIP revision that would interfere with any applicable requirement concerning NAAQS attainment and Reasonable Further Progress (RFP), or any other applicable requirement of the CAA. Missouri submitted a CAA section 110(l) demonstration in support of their requested SIP revisions, which is included in the docket for this action. Our analysis of the key SIP revisions and Missouri's section 110(l) demonstration can be found in section III of this preamble. The EPA's technical support document (TSD) included in this docket provides greater detail.

10 CSR 10–6.261 contains SO_2 emissions limits and requirements that were in place prior to the 2010 1-hour SO_2 NAAQS; it does not include requirements relied on for meeting 2010 1-hour SO_2 NAAQS requirements in the Missouri's nonattainment and maintenance areas that were previously approved into Missouri's SIP.[3]

III. What is EPA's analysis of the rule revisions?

This section summarizes the EPA's analysis of 10 CSR 10–6.260 in the Missouri SIP[4] and the state's 111(d) plan for sulfuric acid production compared to the version of 10 CSR 10–6.261 with a state effective date of May 30, 2025 submitted on April 23, 2025. The key changes are highlighted in this document, with additional detail in the EPA's TSD included in the docket for this action.

A. Exemption for Ultra Low Sulfur Diesel

Compared to the clean fuel exemption in 6.260 paragraph (1)(A)2., 6.261 subsection (1)(A) maintains exemptions for units that burn natural gas or liquified petroleum gas, plus adds an exemption for units that burn ultra-low sulfur diesel (ULSD) with a sulfur content no greater than 15 parts per million (ppm). As discussed further in the EPA's TSD, a sulfur content of 15 ppm is equivalent to 0.0015 weight percent (wt%) sulfur, which is less than the rule's most stringent fuel oil sulfur content limit of 2 wt%. In addition, 15 ppm equates to an SO_2 emission rate of 0.0016 pounds per million British thermal units (lb/MMBtu), which is well below the most stringent SO_2 emission rate limit of 2.3 lb/MMBtu for non-named indirect heating sources (*i.e.,* sources without facility-specific limits listed in Table 1) in 6.261. Based on our analysis, we are proposing to find that adding a rule exemption for units burning ULSD with a sulfur content of no greater than 15 ppm does not reduce the stringency of the SIP and therefore

[1] See 71 FR 12623 (March 13, 2006), 73 FR 35071 (June 20, 2008), and 78 FR 69995 (November 22, 2013).

[2] See 88 FR 292 (January 4,2023).

[3] Requirements to comply with the 2010 SO_2 NAAQS in the state's maintenance areas are contained in SIP-approved consent agreements with Vicinity (formerly Veolia) and Ameren. Vicinity's consent agreement was approved into the SIP in conjunction with the redesignation of the Jackson County, Missouri SO_2 nonattainment area (87 FR 4812, January 31, 2022). Ameren's consent agreement, which includes requirements for the Meramec, Rush Island, and Labadie power plants, was approved into the SIP as part of the redesignation of the Jefferson County, Missouri SO_2 nonattainment area (87 FR 4508, January 28, 2022). In addition, on May 3, 2023, Missouri submitted an attainment plan for the New Madrid County, MO SO_2 nonattainment area to EPA, including consent agreements with Magnitude 7 Metals and AECI.

[4] 10 CSR 10–6.260 is no longer in the Missouri CSR. As of the date of publication of this **Federal Register** publication, 6.260 in the Missouri SIP is available at *https://www.epa.gov/sites/default/files/2017-09/documents/10-6260.pdf.* As noted in the summary of EPA rulemakings following the text of 6.260 posted at this link, (3)(A)1. through (3)(A) 4. of 6.260 are not included in the SIP and are approved pursuant to CAA 111(d) only.

does not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA, in accordance with section 110(l) of the CAA. The exempted sources emit SO_2 at rates well below the SO_2 emission limits and requirements in 6.261.

B. Rule Provisions Linked to State's Historical CAA 111(d) Plan for Sulfuric Acid Production

6.260 subsection (3)(A) contains stack gas concentration limits for existing sources of 70 micrograms per cubic meter (mg/m^3) of sulfuric acid or sulfur trioxide and 2,000 parts per million by volume (ppmv) of SO_2, and limits for new sources of 35 mg/m^3 of sulfuric acid or sulfur trioxide and 500 ppmv of SO_2. 6.260 subsection (1)(B) specifies that these limits apply to non-indirect heating sources. The limits in 6.260 subsection (3)(A) are not retained in 6.261 because they were in place pursuant to Missouri's CAA 111(d) plan for sulfuric acid production, and there are no longer any sources subject to these requirements. Accordingly, 6.261 removes non-indirect heating sources and any non-SO_2 sulfur compound emissions from section (1) rule applicability. With approval of Missouri's negative declaration for affected sulfuric acid production sources concurrent with this action, EPA is proposing to find that it is not necessary to include the SO_2, sulfuric acid, and sulfur trioxide limits from 6.260(3)(A) in 6.261 and that it is appropriate to remove non-indirect heating sources from rule applicability. Missouri's negative declaration for sources subject to CAA 111(d) sulfuric acid production requirements is discussed in section IV of this preamble.

C. Non-Named Indirect Heating Sources

Although provisions addressing indirect heating sources that are not identified by name were reorganized and clarified in 6.261, general applicability and SO_2 emission limitations for these non-named indirect heating sources does not change from 6.260 to 6.261. Specifically, non-named indirect heating sources with actual heat input greater than 350,000 British thermal units per hour (Btu/hour) continue to be subject to 6.261. In addition, the SO_2 emission rate limits for non-named indirect heating sources subject to 6.261 are the same as the limits for these sources in 6.260. These SO_2 emission rate limits are as follows: 2.3 lb/MMBtu in Franklin, Jefferson, St. Louis, and St. Charles Counties, and the City of St. Louis; and 8 lb/MMBtu for the rest of the state. Also retained in 6.261 are seasonal coal and fuel oil sulfur content limits from 6.260 for non-named indirect heating sources located in St. Louis area counties that have heat input capacity greater than 350,000 Btu/hr (equivalent to 0.35 MMBtu/hr) and <2,000 MMBtu/hr. Because the stringency of SO_2 limits and requirements for non-named indirect heating sources does not change compared to 6.260, the EPA is proposing to approve the reorganization and clarification of provisions related to non-named indirect heating units in 6.261.

D. Facility-Specific SO_2 Emission Limits

The facility-specific SO_2 emission limits for sources listed in multiple tables in 6.260 are consolidated into 6.261 Table 1 in subsection (3)(A). The numeric SO_2 emission limits that continue to be necessary are included in 6.261 Table 1, while other limits that are no longer necessary were omitted from the rule. The two sub-sections below discuss the facility-specific SO_2 emission limits that are included in 6.261 and those that are not included in the rule. For the SO_2 emission limits listed in 6.261 Table 1, the limits are unchanged from 6.260 in the majority of cases, with the exception being for Hawthorn boiler 5A. The numeric limit for Hawthorn boiler 5A is unchanged from 6.260, however, 6.261 contains new language that ensures a continuous SO_2 limit is in place for this unit during periods of startup and shutdown as discussed further below.

1. SO_2 Emission Limits in 6.261 Table 1

The SO_2 emission rate limits of 4.8 lb/MMBtu (daily average) for Labadie and 0.12 lb/MMBtu (30-day rolling average) for Hawthorn boiler 5A from 6.260 are reinstated in 6.261 Table 1 following the EPA's disapproval of the previous version of 6.261 (state effective date March 30, 2019) which did not include them.[5] Regarding the Hawthorn limit of 0.12 lb/MMBtu, 6.260 Table 1 included a footnote that stated the limit comes from the Prevention of Significant Deterioration (PSD) permit for boiler 5A and is implemented in accordance with the terms of the permit.[6] The 0.12 lb/MMBtu SO_2 limit for boiler 5A in Hawthorn's PSD permit excludes periods of startup, shutdown, and emergencies. When the Hawthorn limit of 0.12 lb/MMBtu was added back to 6.261 Table 1, new language was also inserted stating that this limit excludes periods of startup and shutdown. Because this new language in 6.261 Table 1 does not reference emergency situations, the SO_2 emission rate limit of 0.12 lb/MMBtu limit is applicable during emergencies. Footnote (d) was also added for this limit in 6.261 Table 1 specifying that natural gas must be used for startup of Hawthorn boiler 5A, and once the unit converts to firing coal, the dry scrubber must be started appropriately to comply with relevant standards applicable during normal operation. Footnote (d) further states that during shutdown, the dry scrubber must be operated after coal stops being fed in the unit for as long as possible thereafter. The EPA is proposing to find the above limits for Hawthorn boiler 5A are protective of the NAAQS given the requirement to burn natural gas during startup and the requirement to run the scrubber during shutdown, as this ensures a continuous limit is in place.

As noted above, the numeric limit for Hawthorn originated in a PSD permit which included the numeric limit as well as the associated monitoring, recordkeeping, and reporting (MRR) requirements. Those MRR requirements were not previously included in 6.260 and accordingly were not in the SIP. However, the necessary MRR for Hawthorn's limit will be incorporated into the SIP as part of our action on 6.261. 6.261 subsection (3)(C) specifies the required compliance demonstrations for this rulemaking which includes Continuous Emissions Monitoring Systems (CEMS) and performance testing depending on the fuel type. This rule provides CEMS operating specifications and performance testing requirements under 6.261 section (5). Per the Hawthorn Title V Operating Permit, SO_2 CEMS are required for boiler 5A. CEMS is used to show compliance with the 0.12 lb/MMBtu SO_2 emission rate limit for Hawthorn boiler 5A. In addition, 6.261 section (4) contains requirements for the facility to maintain data from CEMS used to show compliance with the rule for a minimum of five years. Because the numeric limit and the necessary MRR are now fully contained in the state rule which will be incorporated into the SIP via this action, Missouri has addressed any potential deficiencies in the SIP with respect to Hawthorn and has enhanced the enforceability and protectiveness of the limit that was previously approved into the SIP.

Other facilities retained in 6.261 Table 1 with no change to their SO_2 emission limits from 6.260 include: Associated Electric Cooperative (AECI)-New Madrid and Thomas Hill power plants, University of Missouri-Columbia

[5] See 88 FR 291, January 4, 2023.

[6] Construction Permit #888 issued August 17, 1999 (amended February 15, 2001).

power plant, and the Doe Run Company-Buick Smelter.

2. SO_2 Emission Limits Not Included in Rule

The following facilities with SO_2 limits in 6.260 are not included in 6.261 Table 1 because they have ceased operating their coal-burning equipment or have permanently closed: Central Electric Power Cooperative-Chamois, Empire District Electric Company-Asbury Station, Independence Power and Light-Blue Valley Station, Kansas City Power and Light-Montrose Station, Aquila-Sibley Plant, and Doe Run Company-Herculaneum Smelter.[7] As part of Missouri's CAA section 110(l) demonstration included in the docket for this action, Missouri provided documentation regarding the cessation of operation of these facilities, including permit termination letters, inspection reports, a retired unit acid rain exemption form, and permanent retirement letters. Based on our review, we are proposing to find that not including these limits in 6.261 Table 1 does not reduce the stringency of the SIP and therefore does not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA, in accordance with section 110(l) of the CAA.

The following facilities are not included in 6.261 Table 1 because they meet the rule's exemptions or are subject to a permanent and federally enforceable SO_2 limit that is equivalent to or more stringent than the limit in 6.260: City Utilities-James River Plant, Trigen-Grand Avenue Plant (now Vicinity), Aquila-Lake Road Plant (now Evergy-Lake Road), Ameren-Sioux Plant, and Doe Run Company-Glover. City Utilities-James River replaced five coal-fired boilers with two natural gas/fuel oil fired combustion turbines, which meet the rule's exemptions for burning clean fuels, as well as being subject to a more stringent SO_2 emission limit, as specified in 6.261 subsections (1)(A) and (1)(C), respectively.[8] The Vicinity, Lake Road, Ameren-Sioux, and Doe Run-Glover facilities operate under Consent Agreements approved in Missouri's SIP with SO_2 emission limits that are more stringent than the limits from 10 CSR 10–6.260.[9]

3. Summary of EPA's Analysis of Revisions to Facility-Specific SO_2 Emission Limits

Based on our analysis, we are proposing to find that the revisions to the facility-specific SO_2 emission rate limits in 6.261 Table 1 do not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA, in accordance with section 110(l) of the CAA. Reinstating the limits for Labadie and Hawthorn addresses the deficiencies identified in our previous disapproval of 6.261. Regarding the Hawthorn limit, the addition of footnote (d) to 6.261 Table 1 specifying use of natural gas during startup and operation of the scrubber during shutdown periods minimizes SO_2 emissions and ensures a continuous SO_2 emission limit is in place that is consistent with the facility's Title V Operating Permit. In addition, inclusion of monitoring, recordkeeping and reporting requirements in the SIP-approved rule will result in a more enforceable and protective limit for Hawthorn than previously included in the SIP. The facility-specific SO_2 limits from 6.260 that have not been retained in 6.261 are either subject to more stringent SO_2 requirements elsewhere in the Missouri SIP or are no longer applicable because the coal-burning equipment has been dismantled or the facility has ceased operating altogether. For these reasons, we are proposing to approve the revisions to the facility-specific SO_2 emissions limits in 6.261 Table 1.

E. Reporting, Recordkeeping, and Testing Requirements

Other revisions to 6.261 include consolidating and clarifying reporting and recordkeeping requirements in section (4) and CEMS and test method specifications in section (5), removing duplicative requirements, as well as making a number of other clarifications and corrections. The applicability of reporting and recordkeeping requirements in 6.261 section (4) for excess emissions is expanded to all sources subject to 6.261, with the exception of startup, shutdown, and malfunction emissions (SSM) which are covered under a separate rule in the Missouri SIP, 10 CSR 10–6.050 Start-Up, Shutdown, and Malfunction Conditions. In 6.260, only certain non-named indirect heating sources located in the St. Louis area counties and secondary lead smelters were subject to the rule's excess emissions reporting requirements. 6.261 section (4) also expands on the recordkeeping requirements in 6.260 to include more detail on records that must be maintained. In 6.261 section (5) test methods, the revisions provide greater clarify on specific SO_2 testing and CEMS requirements. New language also allows for alternative test methods that have been reviewed by EPA and approved into the SIP. The EPA is proposing to determine that changes to record keeping and reporting and testing requirements do not reduce the stringency of the SIP therefore do not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA, in accordance with section 110(l) of the CAA.

IV. Negative Declaration for 111(d) Requirements for Sulfuric Acid Production

The CAA delineates regulations for air pollution emissions that can adversely impact public health. CAA section 111 requires the EPA establish standards of performance for certain categories of stationary sources that, in the Administrator's judgment, ''cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.'' Under CAA section 111(d), EPA has issued emission guidelines (EGs) regulating five pollutants from six source categories that are currently in effect [sulfuric acid plants (acid mist), phosphate fertilizer plants (fluorides), primary aluminum plants (fluorides), kraft pulp plants (total reduced sulfur), municipal solid waste landfills (landfill gases), and fossil fuel-fired electric generating units (greenhouse gases)]. CAA section 111(d) in conjunction with CAA section 111(a)(1) establishes and defines roles and responsibilities for both the EPA and the states in the regulation of designated facilities. States use the EPA's standards of performance as the basis for establishing requirements for designated facilities in their state implementation plans. The states submit their plans to the EPA, and the EPA must evaluate each state plan. If a state has no designated facilities for

[7] Doe Run Company-Herculaneum Smelter ceased all primary lead smelting operations in December 2013, per 2011 federal Consent Agreement (Case: 4:10–cv–01895–JCH Doc. #: 116 Signed: 12/21/11).

[8] 10 CSR 10–6.261(1)(C)1. exempts units subject to more restrictive SO_2 emission limits or fuel sulfur content standards under 10 CSR 10–6.070, which is Missouri's state rule that incorporates by reference New Source Performance Standards in 40 CFR part 60. The combustion turbines at the James River power plant are subject to sulfur limits under 40 CFR part 60, subpart GG, Standards of Performance for Stationary Gas Turbines.

[9] Vicinity's consent agreement was approved into Missouri's SIP in conjunction with the redesignation of the Jackson County, Missouri SO_2 nonattainment area to attainment on January 31, 2022 (87 FR 4812). Evergy-Lake Road's Consent Agreement was last approved into the SIP on July 3, 2023 (88 FR 46240). The Consent Agreement for Ameren-Sioux was approved into the SIP on November 16, 2022 (87 FR 68634). Doe Run-Glover's Consent Agreement was approved into the SIP on April 27, 2022 (87 FR 24870).

a standards of performance source category, it may submit a negative declaration in lieu of a State plan for that source category according to 40 CFR 60.23(b) and 62.06.

40 CFR part 62 lists the state plans for control of pollutants and facilities under section 111(d) and section 129 of the CAA. The State of Missouri's approved plan for Sulfuric Acid Mist from Existing Sulfuric Acid Productions Plants is codified at 40 CFR 62.6353. As stated in 40 CFR 62.6353, in Missouri, 111(d) sulfuric acid production requirements have historically applied to a single plant, W.R. Grace and Company in Joplin, Missouri. The regulation was initially approved and codified into the CFR on March 14, 1986.[10] The enforceable SO_2 and sulfuric acid limitations for the 111(d) plan were originally included in an old state rule, 10 CSR 10–3.100, Restriction of Emission of Sulfur Compounds, section (4). In the late 1990s, MoDNR consolidated several sulfur rules covering different parts of the state into a single statewide rule 10 CSR 10–6.260 and rescinded the older sulfur rules from the Missouri CSR at the same time. As part of this sulfur rule consolidation effort, the SO_2 and sulfuric acid limitations associated with the 111(d) plan in 3.100(4) were moved into 6.260. EPA's approval of the original version of 6.260 into the Missouri SIP specifies that the SO_2 and sulfuric acid limits moved into 6.260 from 3.100 section (4) were approved pursuant to 111(d) requirements and were not approved into the SIP.[11] In a subsequent revision to 6.260, these limits were moved to subsection (3)(A).

MoDNR submitted a negative declaration to EPA on May 4, 2022 certifying that the existing sulfuric acid production plant specified in 40 CFR 62.6353 was no longer in operation. W.R. Grace and Company in Joplin, Missouri was the only source listed under 40 CFR 62.6353. MoDNR's negative declaration stated that an inspection conducted on the facility on January 13, 2004 determined that the facility was closed. The facility has since remained closed.

EPA is proposing to approve the negative declaration submitted by MoDNR serving in lieu of their CAA 111(d) state plan for the Sulfuric Acid Mist from Existing Sulfuric Acid Production Plants guidelines to satisfy the requirements of 40 CFR 60.23(b) and 62.06. Any new sulfuric acid production operations in Missouri would be subject to 40 CFR part 60 subpart H, Standards of Performance for Sulfuric Acid Plants, which applies to sulfuric acid production facilities constructed or modified after August 17, 1971.

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

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided an initial 60-day public review and comment period on the Regulatory Impact Report, draft version of 10 CSR 10–6.261, and CAA section 110(l) demonstration from February 2, 2024 to April 2, 2024. The State provided an additional public notice period from November 1, 2024 to December 12, 2024 and received zero (0) comments. A public hearing was held December 5, 2024. As explained above (and in more detail in the TSD which is included in the docket for this action), the revisions proposed for approval meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

VI. What action is the EPA taking?

We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rule will occur after consideration of any comments. The State of Missouri previously conducted a public notice on the rule changes. We are publishing the proposed rulemaking in the **Federal Register** to approve the SIP submission and 111(d) negative declaration. Any parties interested in commenting must do so by the date listed in the **DATES** section of the document. For further information about commenting on this proposed rulemaking, see the **ADDRESSES** section of the document. The EPA is soliciting comment on the substantive and administrative revisions detailed in this proposal and the TSD. The EPA is not soliciting comment on existing rule text that has been previously approved by the EPA into the SIP. If EPA receives adverse comment, we will address all public comments in the subsequent final rule based on the proposed rulemaking.

VII. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Missouri Regulations of 10 CSR 10–6.261 Control of Sulfur Dioxide Emissions as described in section II of this preamble and set forth below in the proposed amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Also, in this document, as described in the proposed amendments to 40 CFR part 52 set forth below, EPA is proposing to remove provisions of the EPA-Approved Missouri Regulations and Statutes from the Missouri State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

VIII. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because actions that approve state implementation plans are exempted from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

[10] See 51 FR 8828, Mar. 14, 1986, as amended at 63 FR 45729, Aug. 27, 1998; 71 FR 12626, Mar. 13, 2006; 79 FR 14616, Mar. 17, 2014; 80 FR 11580, Mar. 4, 2015; 84 FR 16407, Apr. 19, 2019.

[11] See 63 FR 45727, August 27, 1998.

- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

List of Subjects

40 CFR Part 52

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

40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: June 13, 2025.

James Macy,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR parts 52 and 62 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10 CSR 10–6.261'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10 CSR 10–6.261	Control of Sulfur Dioxide Emissions.	May 30, 2025	[Date of publication of the final rule in the **Federal Register**], 90 FR [**Federal Register** page where the document begins of the final rule].	
*	*	*	*	*

* * * * *

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 3. The authority citation for part 62 continues to read as follows:

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

Subpart—AA Missouri

§ 62.6350 [Amended]

■ 4. Amend § 62.6350 by removing ''Sulfuric acid production plants'' and reserving paragraph(c)(2).

■ 5. Revise § 62.6353 to read as follows:

§ 62.6353 Identification of sources.

Letter from the Missouri Department of Natural Resources, submitted May 4, 2022, certifying that there are no sulfuric acid production plants in Missouri. *Effective date:* The revision effective date of the negative declaration and EPA withdrawal of the prior plan approval is [Date 30 days after date of publication of the final rule in the **Federal Register**].

[FR Doc. 2025–11825 Filed 6–26–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52, 62 and 70

[EPA–R07–OAR–2025–0289; FRL–12821–01–R7]

Air Plan Approval; Missouri; Definitions and Common Reference Tables

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Missouri State Implementation Plan (SIP) related to Definitions and Common Reference Tables used in Missouri rules. EPA has also previously approved this rule as part of the air planning and permitting program. Some of the definitions are associated with those programs, even though many of the definitions pertain only to the SIP. These revisions do not impact the stringency of the SIP or have an adverse effect on air quality. The EPA's proposed approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: Comments must be received on or before July 28, 2025.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R07–OAR–2025–0289 to *https://*

www.regulations.gov. Follow the online instructions for submitting comments.

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

FOR FURTHER INFORMATION CONTACT: Steven Brown, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7718; email address: *brown.steven@epa.gov*

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

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I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2025–0289, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. What is being addressed in this document?

The EPA is proposing to approve a SIP revision submitted by the State of Missouri on July 15, 2024. The revisions are to Title 10, Division 10 of the Code of State Regulations (CSR), 10 CSR 10–6.020 ''Definitions and Common Reference Tables.'' The purpose of this state regulation is to provide definitions of key words and expressions used in Missouri rules for Chapters 1–6 statewide and provides common reference tables. The amendments to this rule add definitions and remove obsolete definitions since the last rule, either because the definitions have been added into an associated applicable rule, the terms are already defined in statute, or the applicable rule has been rescinded. Additionally, the list of Hazardous Air Pollutants and Exempt Volatile Organic Compounds is updated to match the current lists dictated in the CAA section 112(b)(1) and 40 CFR 51.100(s), respectively. EPA proposes to find that these revisions meet the requirements of the CAA, do not impact the stringency of the SIP, and do not adversely impact air quality. The full text of the rule revisions as well as EPA's analysis of the revisions can be found in the technical support document (TSD) and in the state submittal included in this docket.

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

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from November 1, 2023, to December 14, 2023, and held a public hearing on December 7, 2023. The state of Missouri received two comments during the public comment period on 10 CSR 10–6.020. Missouri responded to both comments and revised the rule based on public comments prior to submitting to EPA, as noted in the State submission included in the docket for this action. As explained above and in more detail in the technical support document, which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. What action is the EPA taking?

The EPA is proposing to amend the Missouri SIP by approving the State's request to revise 10 CSR 10–6.020 ''Definitions and Common Reference Tables.'' EPA's proposed action approves these amendments as part of the SIP, 111(d), and Title V programs even though many of the definitions only pertain to SIPs. We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to finalize the incorporation by reference of the Missouri rule 10 CSR 10–6.020 discussed in section II. of this preamble and as set forth below in the proposed amendments to 40 CFR part 52. The purpose of this state regulation is to provide definitions of key words and expressions used in Missouri rules for Chapters 1–6 statewide and provides common reference tables. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866:
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

List of Subjects

40 CFR Part 52

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

40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: June 13, 2025.

James Macy,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR parts 52, 62, and 70 as set forth below:

PART 52–APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–6.020'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.020	Definitions and Common Reference Tables.	5/30/2024	[Date of publication of the final rule in the **Federal Register**], 90 FR [**Federal Register** page where the document begins of the final rule].	Some definitions do pertain to Title V, 111(d) and asbestos program and are approved in the SIP. Therefore, EPA has also approved this rule as part of the Title V program, and 111(d) even though many of the definitions pertain only to the SIP.
*	*	*	*	*

* * * * *

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 3. The authority citation for part 62 continues to read as follows:

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

Subpart AA—Missouri

■ 4. Section 62.6350 is amended by revising paragraph (b)(6) to read as follows:

§ 62.6350 Identification of plan.

* * * * *

(b) * * *

(6) A revision to Missouri's 111(d) plan to incorporate state regulation 10 CSR 10–6.020 Definitions and Common Reference Tables was state effective May 20, 2024. The effective date of the amended plan is [date 60 days after date of publication of the final rule in the **Federal Register**].

* * * * *

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 5. The authority citation for part 70 continues to read as follows:

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

■ 6. Appendix A to part 70 is amended by revising paragraph (cc) under ''Missouri'' to read as follows:

Appendix A to Part 70—Approval Status of State and Local

* * * * *

Missouri

* * * * *

(cc) The Missouri Department of Natural Resources submitted revisions to Missouri rule 10 CSR 10–6.020, ''Definitions and Common Reference Tables'' on July 15, 2024. The state effective date is May 20, 2024. This revision is effective [date 60 days after date

of publication of the final rule in the **Federal Register**].

* * * * *

[FR Doc. 2025–11821 Filed 6–26–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 25

[SB Docket No. 25–180; GN Docket No. 22–352; WT Docket No. 23–158; GN Docket No. 14–177; FCC 25–29; FR ID 300039]

Satellite Spectrum Abundance

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks further comment on ways to use the 12.7–13.25 GHz band and the 42.0–42.5 GHz band more efficiently and intensively by satellite communications and seeks comment on proposals to make additional spectrum resources available for satellite communications in the 51.4–52.4 GHz band and within certain W-band frequency ranges (92.0–94.0 GHz, 94.1–100 GHz, 102.0–109.5 GHz, and 111.8–114.25 GHz).

DATES: Comments are due July 28, 2025. Reply comments are due August 26, 2025.

ADDRESSES: You may submit comments, identified by SB Docket No. 25–180, GN Docket No. 22–352, WT Docket No. 23–158, and GN Docket No. 14–177, by any of the following methods:

☐ *FCC Website: https://apps.fcc.gov/ecfs.* Follow the instructions for submitting comments.

☐ *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Stephen Duall, 202–418–1103, *Stephen.Duall@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking (FNPRM) and Notice of Proposed Rulemaking (NPRM), FCC 25–29, adopted May 22, 2025, and released May 27, 2025. The full text is available online at *https://docs.fcc.gov/public/attachments/FCC-25-29A1.pdf.* The document is also available for inspection and copying during business hours in the FCC Reference Center, 45 L Street NE, Washington, DC 20554. To request materials in accessible formats for people with disabilities, send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Procedural Matters

Comment Filing Requirements

Interested parties may file comments and reply comments on or before the dates indicated in the **DATES** section above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

☐ *Electronic Filers.* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs.*

☐ *Paper Filers.* Parties who file by paper must include an original and one copy of each filing.

○ Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

○ Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

○ Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

○ Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express, must be sent to 45 L Street NE, Washington, DC 20554.

☐ *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Ex Parte Presentations

Pursuant to 47 CFR 1.1200(a), this proceeding will be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with 47 CFR 1.1206(b). In proceedings governed by 47 CFR 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice-and-comment rulemaking proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the possible impact of potential rule and policy changes contained in the NPRM on small entities. The IRFA is set forth in Appendix A of the Commission document, *https://docs.fcc.gov/public/attachments/FCC-25-29A1.pdf.* The Commission invites the general public, in particular small businesses, to

comment on the IRFA. Comments must be filed by the deadlines for comments indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

Paperwork Reduction Act

This document does not contain proposed information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

Providing Accountability Through Transparency Act

Consistent with the Providing Accountability Through Transparency Act, Public Law 118–9, a summary of this document will be available on *https://www.fcc.gov/proposed-rulemakings.*

Synopsis

I. Introduction

1. The satellite industry is delivering a new wave of innovation and investment as demand for high-speed connectivity skyrockets thanks to streaming, cloud services, global connectivity initiatives, and emerging AI applications. With major investment in the ecosystem and next-generation satellite systems promising faster, more reliable, and lower-latency service, having abundant satellite spectrum is more critical than ever. To ensure U.S. leadership in this rapidly evolving sector and to keep pace with global developments, the Commission is committed to achieving spectrum abundance for the growing competitive ecosystem of existing and emerging satellite services. The Commission initiates these proceedings to explore opportunities to make over 20,000 megahertz of spectrum available for satellite use across four bands.

2. In the Further Notice of Proposed Rulemaking (FNPRM), the Commission seeks further comment on ways to use the 12.7–13.25 GHz band (12.7 GHz band) and the 42.0–42.5 GHz band (42 GHz band) more efficiently and intensively, in order to promote technological innovation, the growth of the nation's economy, and greater connectivity for the American public. Previously, the Commission has sought comment on ways that the 12.7 GHz band and 42 GHz band could be used more intensively by terrestrial wireless communications to achieve these goals. The FNPRM seeks comment on ways that these bands could be used more intensively by satellite communications, as an alternative or a complement to the previous proposals for terrestrial wireless communications in these bands.

3. The Commission is interested in opening the 12.7 GHz band to a wider range of satellite operations by eliminating regulatory restrictions that prevent intensive satellite use of the band. Geostationary orbit (GSO) operations in the 12.75–13.25 GHz band are currently limited to communications between domestic and international points. Meanwhile, non-geostationary satellite orbit (NGSO) fixed-satellite service (FSS) operations in this band are limited to uplink communications with individually licensed earth stations. The Commission is also interested in exploring more intensive use of the greenfield 42 GHz band by seeking comment on an allocation for fixed-satellite service. In both instances, the Commission seeks comment on ways to protect any incumbent spectrum users in the bands, as well as ways to protect spectrum users, particularly Federal operators, in adjacent bands.

4. In the accompanying NPRM, the Commission seeks comment on proposals to make additional spectrum resources available for satellite communications, particularly satellite broadband, in two bands the Commission has not previously considered. First, the Commission invites comment on proposals to open up spectrum for satellite communications in the 51.4–52.4 GHz band (52 GHz band). Next, the Commission seeks comment on certain ''W-band'' frequencies (92.0–94.0 GHz, 94.1–100 GHz, 102.0–109.5 GHz, and 111.8–114.25 GHz). Both bands represent large swathes of spectrum that are largely unused for non-Federal services today. They are also the subject of considerable interest by stakeholders for commercial satellite use. Allocations for satellite services in these bands could facilitate the growth and innovation of next-generation satellite services and present a ''first-mover'' advantage for U.S. licensed operators.

II. Further Notice of Proposed Rulemaking

A. Background

1. 12.7 GHz Band

5. The 12.7 GHz band is currently shared by a mixture of terrestrial wireless and satellite uses, with limited Federal operations in the band. In the United States, the U.S. Table of Frequency Allocations (Table of Allocations) allocates the 12.7 GHz band on a primary basis for non-Federal use to fixed service (FS), FSS (Earth-to-space), and the mobile service (MS). The band is shared among fixed microwave services (FS—part 101), fixed and mobile Broadcast Auxiliary Service (BAS) (part 74), fixed and mobile Cable Relay Service (CARS) (part 78), and FSS (FSS—part 25). Although the 12.7–12.75 GHz portion of the 12.7 GHz band has the same primary allocations for FSS, FS, and MS as the 12.75–13.25 GHz portion, there are no part 25 service rules cross-referenced in Table of Allocations in the 12.7–12.75 GHz band.

6. The international allocations for the 12.75–13.25 GHz band are similar to the Table of Allocations in most respects. However, FSS (space-to-Earth) transmissions are permitted at 12.7–12.75 GHz in International Telecommunications Union (ITU) Regions 1 and 3 but not in Region 2. Domestically, Footnote NG52 of the Table of Allocations precludes most FSS systems using satellites in geostationary orbit from using the 12.75–13.25 GHz band for domestic services, which limits the deployment of FSS earth stations in the band. In addition, Footnote NG57 limits the use of the 12.75–13.25 GHz band by FSS systems using satellites in non-geostationary orbit to communications with individually licensed earth stations.

7. The lower adjacent 12.2–12.7 GHz band is allocated on a primary basis for non-Federal use for Broadcasting Satellite Service (BSS) (referred to domestically as Direct Broadcast Satellite (DBS)), NGSO FSS (space-to-Earth), and FS. While the three services are co-primary, NGSO FSS and FS are allocated on a non-harmful interference basis to DBS. Currently there are three services operating in the band: DBS providers operating under the primary BSS allocation, NGSO FSS licensees operating under the co-primary NGSO FSS allocation, and Multi-Channel Video and Data Distribution Service (MVDDS) licensees operating under the co-primary FS allocation.

8. The 12.75–13.25 GHz portion of the 12.7 GHz band has an allocation for a single Federal user—the National Aeronautics and Space Administration (NASA), which operates a receive-only earth station for its Deep Space Network (DSN) at Goldstone, California, that is authorized to receive transmissions across the entire 12.75–13.25 GHz band.

9. In the adjacent 13.25–13.4 GHz band, there is a primary allocation for non-Federal use in the Aeronautical Radionavigation service, and there are secondary allocations for non-Federal use for the Earth exploration-satellite

(active) and space research (active) services. There are also primary allocations for Federal use of all three of these services in this band. Although there are no allocations for the radio astronomy service (RAS) in the 12.7–13.25 GHz band, opportunistic observations made by the Green Bank Telescope in West Virginia are carried out throughout this band, making use of the unique regulatory and electromagnetic environment provided by the National Radio Quiet Zone (NRQZ). Additionally, certain other radio astronomy sites, located in remote locations, may carry out opportunistic observations in this band, or in nearby frequency bands allocated to the radio astronomy service.

10. In October 2022, the Commission released its 12.7 GHz Notice of Inquiry (12.7 GHz NOI) to broadly seek information on the current use of the 12.7 GHz band, how the Commission could encourage more efficient and intensive use of the band, and whether the band is suitable for mobile broadband or other expanded use. As part of the 12.7 GHz NOI, the Commission extended a temporary freeze on 12.7 GHz band applications pending the outcome of GN Docket No. 22–352. This temporary freeze applied to the filing of new or modified applications for licenses in the 12.7 GHz band, in order to preserve the landscape of authorized operations in the band pending the Commission's consideration of actions that might encourage the larger and more effective use of radio in the public interest.

11. In May 2023, the Commission released an NPRM in GN Docket No. 22–352 (12.7 GHz Band NPRM) that proposed to repurpose some or all of the 550 megahertz of the 12.7 GHz band spectrum for mobile terrestrial broadband or other expanded use. It also sought comment on various proposals for transitioning some or all of the 12.7 GHz band to mobile broadband and other expanded use, as well as on alternatives that could promote use of the band on a shared basis.

12. Under the proposals of the 12.7 GHz NPRM to repurpose the 12.7 GHz band, incumbent point-to-point fixed licenses licensed under parts 74, 78, and 101 of the Commission's rules would be relocated from the band or, alternatively, would become secondary (*i.e.* operate on an unprotected, non-interference basis) to new licensed mobile broadband or expanded use operations on a sunset date, consistent with the Commission's Emerging Technologies principles. Incumbent mobile BAS/CARS licensees would be ''repacked'' into a portion of the 12.7 GHz band that would be designated for mobile BAS/CARS operations. FSS incumbent space and earth stations that were authorized to serve or operate in the United Sates based on applications filed before September 19, 2022 would not be relocated or be subject to sunsetting. Although incumbent earth stations in the 12.75–13.25 GHz band operating in the Earth-to-space direction would be grandfathered, the Commission proposed that no additional earth stations would be authorized in the 12.7 GHz band.

13. At the same time, the Commission declined to authorize two-way, high-powered terrestrial mobile services in the adjacent 12.2–12.7 GHz band, finding that they would impose significant risk of harmful interference to existing and emergent services in the band, including satellite services. The Commission sought comment, however, on the potential to expand terrestrial fixed use or to permit unlicensed use in the 12.2–12.7 GHz band. In response to the 12.7 GHz Band NPRM, the National Telecommunications and Information Administration (NTIA) provided analyses and recommendations in support of maintaining federal applications and missions.

B. 42–42.5 GHz Band

14. The 42 GHz band is not currently used for any existing services in the United States. It is allocated to non-Federal FS and MS on a primary basis. Although the Commission sought comment previously on proposed service rules for this band among other bands above 24 GHz, none are currently in place, and the band has no incumbent licensees. Accordingly, the 42 GHz band represents ''greenfield'' spectrum that gives greater flexibility in designing a licensing scheme that may be optimized for future use and that can take advantage of new technological developments more easily than a band with existing deployments.

15. There is no allocation for satellite services in the 42 GHz band. The Commission has previously twice declined to add an FSS (space-to-Earth) allocation in the 42 GHz band. The lower adjacent 40–42 GHz band has been designated for satellite use, with allocations on a primary basis for FSS (space-to-Earth) and Broadcasting-Satellite. Similarly, there is no Federal allocation in the 42 GHz band, but the upper adjacent 42.5–43.5 GHz band is allocated to the radio astronomy service on a primary basis for Federal and non-Federal use and to the Federal FS, FSS (Earth-to-space), and MS—except aeronautical mobile—services on a primary basis.

16. In June 2023, the Commission released an NPRM in WT Docket No. 23–158 and GN Docket No. 14–177 (42 GHz NPRM), which sought comment on proposals to provide increased access to the 42 GHz band, particularly by smaller wireless service providers, to support efficient, intensive use of the band. Specifically, the Commission sought comment on a variety of potential approaches to licensing the 42 GHz band for flexible use by FS and MS operations on a shared basis, as well as on any alternatives that might better promote the Commission's goals of more efficient spectrum use and lower barriers to spectrum access compared with traditional exclusive-use licensing in this band. The Commission proposed to authorize flexible MS and FS operations in the 42 GHz band, provided that RAS could be protected in the adjacent 42.5–43.5 GHz band, and it proposed to require licensees in the 42 GHz band to limit emissions into the 42.35–43.5 GHz band in order to protect RAS at observatory locations.

B. Discussion

17. The Commission seeks to supplement the record in the 12.7 GHz band and 42 GHz band proceedings by seeking comment on alternative proposals for increasing the use of these two bands by satellite communications. Although the Commission has previously sought comment on proposals to provide increased access to both bands for terrestrial wireless services, including mobile broadband or other expanded uses, the Commission now seeks to further develop the record on whether increasing access by satellite communications might better encourage a more efficient and intensive use of these bands on a more expedited basis than the previous proposals. The Commission also seeks comment on whether increasing the use of these bands by satellite communications may be more harmonious with existing users of the bands, both domestically and internationally, and with spectrum users in adjacent bands, particularly Federal operations.

18. The Commission also seeks comment on whether there are cross-border coordination mechanisms in either the 12.7 GHz band or the 42 GHz band that the Commission should review or seek to remove to ensure efficient and adequate transitions, and sufficient protection from harmful interference, at the borders? Commenters should provide detailed information on any potential cross-border interference concerns and other international considerations as well as possible actions to address them.

1. 12.7 GHz Band

a. Expanding Use of 12.7 GHz Band by Satellite Communications

19. The Commission seeks further comment on whether expanding the use of the 12.7 GHz band by satellite communications might better encourage a more efficient and intensive use of the band than previous proposals to repurpose this band for mobile broadband or other expanded uses. Comments from satellite operators in response to the 12.7 GHz NOI and 12.7 GHz NPRM state that there is an increasing demand for satellite services, particularly broadband services, and a growing need for sufficient spectrum to enable such services. They assert that, although the 12.7 GHz band is not currently heavily used by satellite communications in the United States, this is due to regulatory restrictions on the use of this band, rather than to the lack of utility of the band for satellite communications or the desire of satellite operators to make use of this band. They assert that the quickest way to make more intensive use of the 12.7 GHz band is to lift these regulatory restrictions. Satellite operators also state that lifting these regulatory restrictions and expanding the use of the 12.7 GHz band by satellite communications could harmonize the use of the 12.7 GHz band in the United States with global spectrum allocations and could better protect incumbent users in adjacent bands from harmful interference than previous proposals. The Commission seeks further comment on these assertions and statements.

20. The Commission seeks further comment on the demand and need for the 12.7 GHz band to support satellite communication services, particularly any changes that have occurred in the time since the 12.7 GHz NPRM was adopted in 2023. How would expanding access by satellite communications to the 12.7 GHz band enable more efficient and intensive use of this band? What should be the metric for such a determination? Should it be based on total throughput over all users of the band? Which specific types of communications would be enabled or enhanced by expanding the use of the 12.7 GHz band by satellite communications? What would be the expected timeframe for achieving the benefits from expanding the use of the band by satellite communications and how does this timeframe compare to that expected under previous proposals to repurpose the 12.7 GHz band for mobile broadband or other expanded uses? The Commission seeks comment on these questions.

21. The Commission seeks further comment on whether a more efficient and intensive use of the 12.7 GHz band can be achieved by eliminating existing regulatory restrictions on the use of the band by satellite communications. Footnote NG52 limits GSO FSS in 12.75–13.25 GHz band (Earth-to-space) to international systems, that is, other than domestic systems. This limitation was designed to protect incumbent BAS, CARS, and fixed microwave operations from a large number of satellite earth station deployments. Satellite operators claim that Footnote NG52 artificially limits FSS deployments in the 12.7 GHz band and is no longer needed if the Commission determines that the growth of incumbent BAS, CARS, and fixed microwave use is no longer considered as important as it might have been in 2000. The Commission seeks further comment on whether Footnote NG52 is still needed to protect incumbent BAS, CAS, and fixed microwave operations in the 12.7 GHz band, or whether there are means other than Footnote NG52 to protect incumbent FS and MS operations in the band that would not restrict satellite access to the band unnecessarily.

22. The Commission seeks comment on whether to eliminate the regulatory restriction of Footnote NG52 that limits the use of the 12.7 GHz band by GSO satellite communications to international systems. Would increasing access to the 12.75–13.25 GHz portion of the 12.7 GHz band by satellite communications be most efficiently and expeditiously achieved by amending the text of Footnote NG52 to remove its applicability to the 12.75–13.25 GHz band, as proposed by commenters? Are any additional changes to Footnote NG52 or other footnotes needed to eliminate regulatory restrictions that limit the use of the 12.7 GHz band by satellite communications? Are any other changes to the Commission's part 25 rules or other rule parts necessary to remove regulatory restrictions on the use of the 12.75–13.25 GHz band by satellite communications?

23. The Commission also seeks comment on whether the more efficient and intensive use of the 12.7 GHz band can be achieved by expanding the use of the band by Earth Stations in Motion (ESIMs). The Commission has already authorized ESIMs operations with NGSO FSS systems in the adjacent 12.2–12.7 GHz band in the space-to-Earth direction. Would the 12.7 GHz band be more efficiently and intensively used, and would the American public have better connectivity, if the band were also available for ESIMs operations? The Commission seeks comment on this question.

24. As a result of agenda item 1.15 at the 2023 World Radio Conference (WRC), international Footnote 5.496A was adopted for all three ITU regions. Footnote 5.496A provides that the 12.75–13.25 GHz band can be used by ESIMs on aircraft and vessels communicating with GSO FSS space stations. Such use is also subject to Resolution 121 (WRC–23), which addresses the use of the 12.75–13.25 GHz band by ESIMS on aircraft and vessels. Although the Commission has not incorporated Footnote 5.496A into the international table of the Table of Allocations, wide-spread adoption of this footnote into national frequency allocations could harmonize the use of the 12.75–13.25 GHz band globally by satellite communications for ESIMs operations in the Earth-to-space direction.

25. The Commission seeks comment on whether it should build upon the decisions of WRC–23, particularly Footnote 5.496A, by amending the text of Footnote NG527A to permit authorization of ESIMs, as an application of the FSS, to communicate with GSO and NGSO FSS space stations. Specifically, should the Commission amend paragraph (ii) of Footnote NG527A to add ''12.75–13.25 GHz (Earth-to-space)'' as a band in which ESIMs may be authorized to communicate with geostationary satellites on a primary basis? In addition, should the Commission amend paragraph (iii) of Footnote NG527A to add ''12.75–13.25 GHz (Earth-to-space)'' as a band in which ESIMs may be authorized to communicate with NGSO space stations, subject to the condition that NGSO systems may not cause unacceptable interference to, nor claim protection from, GSO networks? The Commission seeks comment on these questions, as well as on any other changes to the text of Footnote NG527A, or other footnotes, that could facilitate expanding the use of the 12.75–13.25 GHz band by ESIMs operations, including authorizing ESIMs to communicate with NGSO FSS systems.

26. The Commission also seeks comment on whether to delete or amend Footnote NG57 to the Table of Allocations in order to expand the use of the 12.7 GHz band by satellite communications. Footnote NG57 limits use of the 12.75–13.25 GHz band by NGSO FSS systems to communications with individually licensed earth stations, such as gateway earth stations. As a result, Footnote NG57 prohibits the authorization of earth stations through

blanket earth station licenses that permit the operation of numerous technically-identical earth stations, often user terminals or ESIMs. The Commission seeks comment on whether the restriction of Footnote NG57 is still necessary, particularly in light of the proposal above to amend Footnote NG527A to permit authorization of ESIMs to communicate with NGSO FSS space stations. If it is no longer necessary, should Footnote NG57 be deleted from the Table of Allocations, or should it be retained with amended text?

27. The Commission also seeks comment on whether to make any other changes to the Table of Allocations and its part 25 rules to expand the use of the 12.7–12.75 GHz band by satellite communications. Should the existing allocations on a primary basis for FSS (Earth-to-space), FS, and MS in the 12.7–12.75 GHz band be maintained? Could the 12.7–12.75 GHz band be more intensively used by satellite communications if a primary allocation for FSS (space-to-Earth) were added to the existing primary allocation for FSS (Earth-to-space)? Are there any changes that need to be made to the Commission's part 25 rules for FSS operations in the 12.7–12.75 GHz band, and should ''Satellite Communications (part 25)'' be added to the FCC Rule Part(s) column of the Table of Allocations in the 12.7–12.75 GHz band? If changes are made to part 25, what changes are necessary to address any increased operations by satellite communications in the 12.7–12.75 GHz band? Are the existing licensing and operating provisions of section 25.146 that govern NGSO FSS operations in the 10.7–30 GHz frequency range sufficient, including any applicable equivalent power-flux density (EPFD) levels? Similarly, are any part 25 rule changes needed to address increased access by satellite communications in the 12.75–13.25 GHz band? The Commission seeks comment on these questions.

28. The Commission seeks comment on whether the more efficient and intensive use of the 12.7 GHz band can be achieved by expanding ESIMs operations in the 12.7–12.75 GHz band. Currently, the Commission has authorized ESIMs operating on U.S.-registered aircraft and vessels outside the United States in the 12.7–12.75 GHz band in the space-to-Earth direction. Should the Commission authorize ESIMs in the 12.7–12.75 GHz band, either inside or outside the United States, in a similar manner to ESIMs in the 12.75–13.25 GHz band, that is by amending the text of Footnote NG527A to permit authorization of ESIMs, using frequency bands allocated for FSS, to communicate with GSO and NGSO space stations in the 12.7–12.75 GHz band? The Commission observes that Footnote NG527A is not currently included as a footnote to either the 12.7–12.75 GHz band or the 12.75–13.25 GHz band; rather, the applicability of Footnote NG527A to the 12.75–13.25 GHz band is through an exception contained within Footnote NG52, and Footnote NG52 does not currently apply to the 12.7–12.75 GHz band. If more efficient and intensive use of the 12.7 GHz band by satellite communications would be achieved by expanding ESIMs operations in the 12.7–12.75 GHz band, should the Commission add Footnote NG527A to the non-Federal allocation for the 12.7–12.75 GHz band and amend the text of §§ (d)(ii) and (ii) of Footnote 527A to include ''12.7–12.75 GHz (Earth-to-space)''? The Commission seeks comment on these questions and observations.

29. The Commission seeks comment on whether the 12.7 GHz band could be used for FSS (space-to-Earth) operations in addition to, or as an alternative to, the existing allocation for FSS (Earth-to-space) operations. Could the 12.7 GHz band be more intensively used by satellite communications if satellite downlinks were permitted, either throughout the 12.7 GHz band, or in either the 12.7–12.75 GHz or the 12.75–13.25 GHz band? NGSO FSS downlink operations are authorized in the adjacent 12.2–12.7 GHz band pursuant to international Footnote 5.487A, and allowing downlinks in the 12.7 GHz band, particularly to blanket-licensed user terminals, could provide additional contiguous spectrum for use by high-speed services. Are there specific technical, economic, or legal reasons to prohibit use of the 12.7 GHz band, in whole or in part, for satellite downlink communications? Is it feasible for both satellite uplinks and downlinks to operate in the 12.7 GHz band, perhaps through geographic separation or some other means of coordination? What changes to the Table of Allocations or our part 25 rules would be necessary to allow use of the 12.7 GHz band, in whole or in part, for FSS (space-to-Earth) operations?

30. The Commission also seeks comment on whether the expanded use of the 12.7 GHz band by satellite communications in the Earth-to-space direction could impose a risk harmful interference to satellite communications, as well as other co-primary users, in the adjacent 12.2–12.7 GHz band. Would limiting FSS (Earth-to-space) to individually licensed earth stations in the 12.7–12.75 GHz band be a desirable means to mitigate such a risk? Are there other means, such as out-of-band emission limits on FSS (Earth-to-space) operations in the 12.7–12.75 GHz band, that could equally or more effectively mitigate the risk of harmful interference between satellite communications in the 12.7 GHz band and co-primary spectrum users in the 12.2–12.7 GHz band to allow the use of ESIMs operations in the 12.7 GHz band? If so, what are the appropriate technical parameters for these other means to mitigate risks of harmful interference to co-primary spectrum users in the 12.2–12.7 GHz band? Could interference to satellite communications and other co-primary users in the 12.2–12.7 GHz band be mitigated by limiting satellite communications in the 12.7–12.75 GHz band to ESIMs operations in the space-to-Earth direction outside of the United States, essentially creating a 50 megahertz buffer between the 12.2–12.7 GHz band and 12.75–13.25 GHz band in the United States? Would a 50 megahertz buffer sufficiently protect the primary satellite receivers in the 12.2–12.7 GHz band from out of band emissions of the earth stations in the 12.75–13.25 GHz band? Would there be blocking issues for the primary satellite receivers in the 12.2–12.7 GHz band due to high power transmissions from the nearby earth stations in the 12.75–13.25 GHz band? How would the interference environment change if satellite downlinks were permitted in the 12.7 GHz band, either in addition to satellite uplinks or as an alternative to satellite uplinks? The Commission seeks comment on these questions.

31. The Commission also seeks comment on lifting the existing freeze on space and earth station applications in the 12.7 GHz band, if it is determined that use of the 12.7 GHz band by satellite communications would better encourage a more efficient and intensive use of the band than previous proposals to repurpose this band for mobile broadband or other expanded uses. Would the most efficient means of lifting the freeze be the release of a public notice announcing a date on which applications for new space stations and earth stations could be filed? The Commission also seeks comment on the timing of any public notice lifting the freeze on new space and earth station filings in the 12.7 GHz band.

32. The Commission seeks comment on whether to process any new applications for GSO FSS space stations using the existing ''first-come, first-served'' procedures for GSO-like satellite operations. Although the 12.75–13.25 GHz band constitutes a ''planned

band'' subject to Appendix 30B of the ITU Radio Regulations, the Commission has adopted use of ''first-come, first-served'' procedures for space station applications in planned bands. The Commission has also extended availability of the optional two-step process to allow applicants to file a draft ITU Coordination Request to establish a position in the ''first-come, first-served'' queue, and then to file a complete license application within two years of submission of the Coordination Request materials. In addition, the Commission applied the ''first-come, first-served'' procedure to requests to access the U.S. market by non-U.S. licensed space stations, with the exception of the two-step process. The Commission seeks comment on this proposal for licensing any new GSO FSS space stations in the 12.7–13.25 GHz band on a ''first-come, first-served'' basis, as well as on any other procedures necessary to implement this proposal, considering the particularities of planned band spectrum.

33. The Commission seeks comment on whether to license new NGSO FSS space stations in the 12.7–13.25 GHz band pursuant to its part 25 procedures for ''NGSO-like'' satellite operations. Processing rounds for NGSO-like satellite applications that included the 12.75–13.25 GHz band were begun in 2017 and 2020. The Commission seeks comment on whether existing procedures under its part 25 rules are sufficient to authorize new NGSO FSS operations in the 12.75–13.25 GHz band or whether any changes to its rules are needed.

b. Sharing With Existing Non-Federal Users

34. The Commission seeks comment on whether expanded use of the 12.7 GHz band by satellite communications necessitates any changes to the spectrum sharing obligations between FSS (Earth-to-space) operations and non-Federal terrestrial operations, particularly fixed point-to-point and mobile BAS and CARS. Should the existing primary allocations for FS and MS in the 12.7 GHz band be maintained? If they are maintained, are they compatible with the a more intensive use of the 12.7 GHz band by satellite communications? Alternatively, should the existing allocations for FS and MS in the 12.7 GHz band be changed from a primary to a secondary allocation in the United States, in either the 12.7–12.75 GHz band or the 12.75–13.25 GHz band, in order to reflect any more intensive use of the band by FSS?

35. The Commission observes that previous proposals in these proceedings to repurpose some or all of the 12.7 GHz band for terrestrial mobile broadband or other expanded uses envisioned the sunsetting of protections from interference for incumbent FS and MS operations, or repacking these operations into a smaller segment of the 12.7 GHz band. The Commission seeks comment on whether increasing the use of the 12.7 GHz band by satellite communications requires similar sunsetting or repacking of non-Federal terrestrial operations in the 12.7 GHz band, or whether increased use of the band by FSS (Earth-to-space) can be accomplished under existing spectrum sharing obligations without repacking? If repacking of mobile BAS/CARS is required, would repacking be most effectively accomplished by moving mobile BAS/CARS operations to a 25-megahertz segment within the 12.75–13.25 GHz band or by concentrating them in two segments—at the top and bottom of the 12.7–13.25 GHz band, respectively, as suggested in previous proposals for expanded use of the 12.7 GHz band, or by concentrating mobile BAS/CARS operations within the 50 megahertz of the 12.7–12.75 GHz band? How might such repacking of BAS/CARS to the 12.7–12.75 GHz band impact operations of primary spectrum users in the adjacent 12.2–12.7 GHz band? If there is a repacking of mobile BAS/CARS operations to facilitate the expanded use of the 12.7 GHz band by satellite communications, which entities should bear the costs arising from the repacking? The Commission seeks comment on these questions, including comments on the potential costs and benefits associated with different repacking alternatives.

36. The Commission also seeks comment on whether the expanded use of the 12.75–13.25 GHz band by satellite communications would be facilitated or accelerated by the deletion or sunsetting of Footnote NG53 to the Table of Allocations. Footnote NG53 reserves sub-bands in the range of 13.15 GHz to 13.2125 GHz for television pick up (TVPU) and CARS inside a 50 kilometer radius of the top 100 television markets and prohibits NGSO FSS gateway stations from operating in these locations in these sub-bands. Outside these areas, NGSO FSS gateway stations operate on a co-primary basis with terrestrial operations in these sub-bands. The provisions of Footnote NG53 do not apply to GSO FSS operations in the 12.75–13.25 GHz band. Do the provisions of Footnote NG53 unnecessarily restrict the use of the 12.7 GHz band by satellite communications, particularly by NGSO FSS and by ESIMs on aircraft and vessels, and if so, would the restriction be more efficiently removed by deleting or sunsetting Footnote NG53, or through the Commission's previously discussed proposal of repacking mobile BAS/CARS to either the top and/or bottom of the bands? If sunsetting would be a more efficient means of removing the restriction, what should be the period of any sunsetting of the protections of Footnote NG53? Are there less restrictive alternatives to Footnote NG53 as means to protect incumbent terrestrial operations in the 12.7 GHz band from potential harmful interference from increased FSS operations in the band, such as power flux density (PFD) limits or more narrowly-tailored geographic separation requirements for blanket-licensed or ESIM earth stations? What would be the costs to providers and users of incumbent services were they to be sunset, and how do these compare to the costs of protecting incumbents using PFD limits or other means? The Commission seeks comment on these questions. Similarly, the Commission seeks comment on whether the current freeze on FS, BAS, and CARS applications should be lifted, extended, or made permanent if use of the 12.7 GHz band by satellite communications is expanded, as well as the procedures for doing so.

37. The Commission also seeks comment on how to avoid causing harmful interference to other incumbent co-primary operations in the 12.7–12.75 GHz band if the Commission expands use of the 12.7 GHz band by satellite communications, particularly if the Commission adopts blanket licensing of earth stations, including ESIMs. Currently, Footnote NG53 applies to the 12.75–13.25 GHz band, but not to the 12.7–12.75 GHz band. Would amending the text of Footnote NG53 to apply its protections to all or part of the 12.7–12.75 GHz band accomplish this goal? Should it be added to the 12.7–12.75 GHz band, particularly if BAS and CARS operations relocate to that band in order to make the 12.75–13.25 GHz band more accessible for satellite communications? Are there alternatives to Footnote NG53 that may be effective in allowing satellite communications and other incumbent co-primary operations to co-exist in the 12.7 GHz band, such as emission limitations or other restrictions on blanket licensed earth stations and ESIMs operations (such as limiting ESIMs operations to aircraft above a certain altitude or to vessels a certain distance from the coastline)? If BAS and CARS are

repacked to a portion of the band, should blanket licensed and ESIMs be prohibited in the portion of the band where BAS and CARS operate to prevent interference from occurring? How would the interference environment change if satellite downlinks were permitted in the 12.7 GHz band, either in addition to satellite uplinks or as an alternative to satellite uplinks? The Commission seeks comment on these questions.

c. Protection of Federal Operations in 12.75–13.25 GHz Band

38. The Commission seeks comment on how to continue to protect Federal space research (deep space) operations if the Commission adopts expanded use by satellite communications in the 12.75–13.25 GHz band. Footnote US251 of the Table of Allocations states that the 12.75–13.25 GHz band is allocated to the space research (deep space) (space-to-Earth) service for reception at Goldstone, California. Currently, individually-licensed FSS (Earth-to-space) earth stations are able to avoid interference to NASA's Deep Space facility at Goldstone by means of geographic separation between the FSS earth station and the NASA facility.

39. The Commission also seeks comment on whether there are measures that could protect Federal space research (deep space) facilities in the 12.75–13.25 GHz band from potential harmful interference from blanket licensed FSS (Earth-to-space) operations, particularly ESIMs. Is geographic separation a viable means of interference protection from blanket licensed FSS earth stations? Would adopting coordination requirements or aggregate emissions limitations for FSS blanket licensed earth stations be a more effective means of providing interference protection to the NASA Deep Space facility at Goldstone? In this regard, the Commission has previously sought comment on a coordination process to protect the Goldstone facility from possible interference that might be caused by mobile broadband or other expanded use in the 12.7 GHz band. Could such a coordination process also be used to provide protection from possible interference from blanket-licensed FSS earth stations, including ESIMs, transmitting in the 12.7 GHz band? Alternatively, would a coordination process, such as that which is used to protect NASA receiving earth stations from ESIMs in the 14.0–14.2 GHz (Earth-to-space) band, be considered adequate once tailored for this sharing scenario? Are there other means of protecting Federal operations at fixed locations that would not require coordination, such as the incorporation of global positioning technology in blanket-licensed earth stations to prevent transmissions within a geographic area? How would the interference environment change if satellite downlinks were permitted in the 12.7 GHz band, either in addition to satellite uplinks or as an alternative to satellite uplinks? Are there additional methods to ensure protection of deep space receivers located at Goldstone, California, noting the potential differences in number of systems and received power levels, if FSS downlinks are permitted in the 12.7 GHz band? The Commission observes that radio astronomy operations within the NRQZ could be affected by changes in satellite allocations in the 12.7 GHz band, particularly the introduction of FSS space-to-Earth downlinks. In light of the technical analyses and recommendations received from NTIA in response to the 12.7 GHz Band NPRM, the Commission seeks comment on maintaining federal operations of radio astronomy observatories located in remote sites, including within the NRQZ, operating in the 12.7 GHz band. The Commission seeks comment on these questions.

d. Protection of Federal Operations in Adjacent Bands

40. The Commission seeks comment on ways to protect Federal operations in primary allocations for the Earth exploration satellite service (EESS) (active), aeronautical radionavigation (ARNS), and space research (active) in the adjacent 13.25–13.4 GHz band from the risk of harmful interference that may result from increased access by satellite communications in the 12.7 GHz band. The Commission similarly seeks comment on ways to protect Federal operations in the 13.4–13.75 GHz band, which is allocated on a primary basis for federal EESS (active), aeronautical radionavigation, and space research (active), and is allocated on a secondary basis for standard frequency and time signal-satellite (Earth-to-space).

41. NTIA has articulated several concerns related to the protection of Federal operations in the bands that are adjacent to the 12.7 GHz band. NTIA notes that the 13.25–13.4 GHz band is used by the Department of Defense (DoD) and the Federal Aviation Administration (FAA) to operate airborne Doppler navigation radar systems used to determine ground speed and drift angle of aircraft with respect to the ground. It also observes that future unmanned aircraft detect-and-avoid safety systems are being developed in the 13.25–13.4 GHz band. NTIA notes that the 13.4–13.75 GHz band is used for the DoD's operation of shipborne radars, for the National Oceanic and Atmospheric Administration's (NOAA) satellite operations in the Joint Satellite Oceanography Network (JASON) mission, for NASA's active remote sensing (including the future Surface Water and Ocean Topography (SWOT) mission), Global Precipitation Measurement (GPM) mission, and Tracking and Data Relay Satellite (TRDS) operations, as well as for the National Science Foundation's continuum and spectral-line radio astronomy research (including as a calibration aid for the radionavigation satellite service) operations. In the context of previous proposals to repurpose the 12.7 GHz band for mobile broadband and other expanded uses, NTIA expresses concern that aggregate interference from mobile base stations and ubiquitous mobile devices may cause interference to NASA and NOAA satellite systems, as well as to DoD radar systems.

42. The Commission seeks comment on how NTIA's concerns related to protection of Federal operations in the bands adjacent to, or nearby, the 12.7 GHz band may differ in the context of expanded use of the 12.7 GHz band by satellite communications. Do individually licensed FSS (Earth-to-space) earth stations present the same potential risk of harmful interference to federal operations in the adjacent 13.25–13.75 GHz bands as that presented by mobile broadband or other expanded uses of the 12.7 GHz band? Would expanded use of the 12.7 GHz band by blanket-licensed FSS (Earth-to-space) earth stations, including ESIMs, present a risk of harmful interference similar to that presented by potential mobile broadband operations in the band? Would relocation or compression of existing non-Federal and Federal systems impact the use of nearby bands? The Commission seeks comment on why such expanded use would, or would not, present a risk of harmful interference in a manner similar to potential mobile broadband operations. How would the interference environment change if satellite downlinks were permitted in the 12.7 GHz band, either in addition to satellite uplinks or as an alternative to satellite uplinks?

43. The Commission seeks comment on specific ways to mitigate the potential risk of harmful interference to federal operations in the adjacent 13.25–13.75 GHz band from any increased use of the 12.7 GHz band by satellite communications. The Commission has

previously noted that NTIA has set up a Technical Interchange Group (TIG) as a tool for implementation of electromagnetic compatibility (EMC) studies between federal systems and mobile broadband or other expanded use in the 12.7–13.25 GHz band. Could the TIG also be a tool for implementing EMC studies between federal systems and satellite communications in the 12.7–13.25 GHz band? Alternatively, would out-of-band emission (OOBE) limits on FSS (Earth-to-space) operations in the 12.75–13.25 GHz band be appropriate to address NTIA's concerns related to protection of federal operations in the bands adjacent to the 12.7 GHz band? If so, could the OOBE limit of −13 dBm/1 MHz that was proposed in the 12.7 GHz NPRM for mobile broadband licensees be adequate to protect Federal operations in the adjacent 13.25–13.75 GHz band? Would such OOBE limits need to be adjusted to address NTIA's concerns about aggregate interference from mobile or ubiquitously deployed non-Federal operations in the 12.75–13.25 GHz band? Are there other existing protection criteria that could be used to mitigate the risk of harmful interference to Federal operations in the adjacent band? For example, NTIA observes that Recommendation ITU–R M.2008–1 (February 2014), ''Characteristics and protection criteria for radars operating in the aeronautical radionavigation service in the frequency band 13.25–13.40 GHz,'' provides characteristics and protection criteria for Federal airborne Doppler radars. NTIA states, however, that this Recommendation may need to be updated to reflect the characteristics for current and future airborne Doppler navigation radars. Should OOBE limits be based on I/N interference threshold? The Commission seeks comment on these statements, questions, and observations.

44. The Commission also seeks comment on whether there are other potential means to ensure that non-Federal operations at upper edge of the 12.7 GHz band are able to protect Federal operations in the adjacent 13.25–13.75 GHz band. The Commission previously sought comment on whether interference concerns could be alleviated by the creation of a buffer between potential non-Federal base/mobile operations in the 12.7 GHz band and Federal operations in the 13.25–13.75 GHz band? It sought comment on whether relocation of the mobile BAS/CARS operations into the upper portion of the 12.7 GHz band could alleviate some of the Federal concerns about interference. In response to the 12.7 GHz NPRM, NTIA performed a preliminary compatibility analysis using a typical military aeronautical radionavigation system in the 13.25–13.4 GHz band and a mobile base station with assumed characteristics in the 12.7 GHz band, which NTIA says indicated that a 25-megahertz frequency offset of mobile BAS/CARS operations would help alleviate some of the adjacent band interference concerns. The Commission seeks comment on whether buffers or offsets at the upper edge of the 12.7 GHz band are more or less necessary to protect Federal operations in the adjacent bands if the 12.7 GHz band were made available for increased use by satellite communications, compared to previous proposals to repurpose the 12.7 GHz band for mobile broadband or other expanded uses.

45. NTIA also presented an adjacent band compatibility analysis as an attachment to its comments in response to the 12.7 GHz NPRM, and stated that its analysis could be used as a starting point for further compatibility studies between potential mobile broadband networks in the 12.7 GHz band and Federal aeronautical radionavigation operations in the adjacent band. The Commission seeks comment on this analysis and its applicability to potential harmful interference from increased satellite communications in the 12.7 GHz band, particularly from blanket-licensed earth stations, including ESIMs.

2. 42 GHz

a. Access to 42–42.5 GHz by Satellite Communications

46. The Commission seeks further comment on whether granting access to the 42 GHz band by satellite communications might better ensure that this high-band spectrum is used more efficiently and intensively. The comments of a satellite operator in response to the 42 GHz NPRM state that high-band spectrum has become increasingly important for use by NGSO FSS operators, and that 20 NGSO FSS operators have sought authority to use high-band spectrum. They contend that although consumer demand for satellite connectivity is growing, satellite operators are constrained by the amount of spectrum allocated for NGSO FSS use, which impacts the quality and availability of broadband services to consumers. They state that the Commission has contemplated FSS use of the 42 GHz band as far back as 2010, when it considered adding a primary allocation for FSS (space-to-Earth) to conform with the existing primary allocation for FSS in the international table. In 2016, however, the Commission declined to adopt a primary FSS allocation, determining that there was potentially greater value at that time to reserving the spectrum for Upper Microwave Flexible Use Service (UMFUS) and that exclusive use of the 42.0–42.5 GHz band for terrestrial use was balanced by previous decisions to provide exclusive access for FSS in other high-band spectrum. The Commission affirmed that decision, without additional reasoning, in 2018. The same satellite operator states that since 2016, making more high-band spectrum available for FSS has become even more crucial, because the 37.5–40.0 GHz frequency range desired for FSS downlinks to gateway stations has been limited due to siting restrictions designed to protect UMFUS operations. They contend that opening the 42 GHz band for satellite communications, particularly NGSO FSS operations, would be timely and sensible. The Commission seeks further comment on these statements and contentions.

47. The Commission seeks comment on whether developments, particularly since 2018, support a revisiting of prior Commission determinations that high-band spectrum, including the 42 GHz band, has potentially greater value for UMFUS or other terrestrial uses than for satellite communications. Do deployments since 2016 by satellite and terrestrial operators in other high-band spectrum bands justify a fresh look at the potential use of the 42 GHz band? Does the shorter propagation range of radio transmissions in the high-band frequency ranges limit or increase the economic viability of the 42 GHz band for terrestrial uses? How does the shorter propagation range similarly impact the viability of the band for satellite communications? Would the shorter propagation range increase the potential for unused or underused spectrum if the band were allocated for terrestrial operations, particularly in remote and less densely populated areas, and is the potential for unused or underused spectrum similar for satellite communications, if such use were allocated in the band? The Commission seeks comment on these questions.

48. The Commission seeks comment on whether granting access to the 42 GHz band by satellite communications would allow for most efficient spectrum use through adding an allocation for FSS (space-to-Earth) on a secondary basis, as proposed by the comments of a satellite operator, or through an allocation for FSS (space-to-Earth) on a primary basis. Would a secondary allocation for FSS (space-to-Earth) in the

42 GHz band in conjunction with a non-exclusive shared licensing approach for terrestrial licensees, as proposed in the 42 GHz NPRM, maximize the use of the band for both satellite and terrestrial services, while also protecting Federal radioastronomy operations in the adjacent 42.5–43.5 GHz band? Would a secondary allocation for FSS (space-to-Earth) maximize the use of the band without risking harmful interference to or from potential non-Federal FS and mobile services in the band? Alternatively, would a primary allocation for FSS (space-to-Earth) be appropriate, if granting access to the 42 GHz band by satellite communications would be more efficient and effective than previous shared licensing approaches? Would there be benefits from aligning a primary allocation for FSS (space-to-Earth) in the Table of Allocations with the primary allocation for FSS (space-to-Earth) in the international table? Would there be additional benefits from aligning a primary allocation for FSS (space-to-Earth) in the 42 GHz band with the primary allocation for FSS (space-to-Earth) in the adjacent 40–42 GHz bands? The Commission seeks comment on these questions.

49. The Commission also seeks comment on whether the 42 GHz band could be used for FSS (Earth-to-space) in addition to, or as an alternative to, the existing allocation for FSS (space-to-Earth). Could the 42 GHz band be more intensively used by satellite communications if satellite uplinks were permitted? Are there specific technical, economic, or legal reasons to prohibit use of the 42 GHz band, in whole or in part, for satellite uplink communications? Is it feasible for both satellite uplinks and downlinks to operate in the 42 GHz band, perhaps through geographic separation or some other means of coordination? What changes to the Table of Allocations or the Commission's part 25 rules would be necessary to allow use of the 42 GHz band, in whole or in part, for FSS (Earth-to-space) operations?

50. The Commission seeks comment on whether to maintain the existing primary allocations for FS and MS in the 42 GHz band, if it is determined that this high-band spectrum could be used more efficiently and intensively by satellite communications. Would maintaining primary allocations for FS and MS in the 42 GHz band complement or inhibit use of the band for satellite communications? Would changing the allocation for FS and MS in the 42 GHz band to a secondary basis, or removing the allocations altogether, be necessary to ensure that this high-band spectrum is used more efficiently and intensively by satellite communications? How would such an allocations make the Table of Allocations more or less consistent with global allocations, and how would global consistency make use of the 42 GHz band by satellite operations more or less efficient and intensive?

51. The Commission observes that it is not proposing any new FSS allocation in one direction in the 42 GHz band be paired with any existing or proposed companion allocation for FSS in the opposite direction. For example, an allocation of 500 megahertz for FSS downlink operations would not be symmetrical with any equivalent spectrum for FSS uplinks. The Commission seeks comment on this asymmetry and what impact, if any, it may have on the efficient and effective use of the 42 GHz band by satellite communications. Could such asymmetry have positive effects, such as providing needed capacity for one-way communications, or could the asymmetry be offset, for example through aggregation of the 42 GHz with other downlink bands to pair with aggregated FSS uplink bands? Are there bands that are allocated for FSS uplinks internationally, but not domestically, that could be paired with an allocation for FSS downlinks in the 42 GHz band? The Commission seeks comment on these questions.

52. The Commission seeks comment on whether to license any FSS space stations or earth stations in the 42 GHz band using its existing part 25 licensing procedures and technical rules. The Commission also seeks comment on whether any changes to its part 25 rules would be needed to accommodate use of the 42 GHz band by both GSO and NGSO space stations. Because millimeter wave transmissions in space-to-Earth direction are best suited for earth stations with large high-gain antennas rather than smaller blanket-licensed user terminals, and in order to limit the number of receiving earth stations that need to be coordinated with adjacent Federal spectrum users, the Commission seeks comment on whether to limit earth station operations in the 42 GHz band to individually licensed GSO and NGSO FSS gateway stations, or whether ESIMs or other blanket-licensed, non-gateway earth stations could be licensed in the 42 GHz band.

b. Protection of and Coexistence With Federal Operations in Adjacent Bands

53. There are no existing Federal allocations in the 42 GHz band, but there are primary allocations for Federal and non-Federal radioastronomy operations in the adjacent 42.5–43.5 GHz band, and primary allocations for Federal operations in the FS, FSS (Earth-to-space), and MS (except aeronautical mobile) in the 42.5–43.5 GHz band. Footnotes US211 and US342 apply to the 42 GHz band and the 42.5–43.5 GHz bands, respectively, and seek to protect radio astronomy in the 42.5–43.5 GHz band. The Commission seeks comment on how to protect these primary allocations in the adjacent 42.5–43.5 GHz band from the risk of harmful interference if the Commission were to allow the use of the 42 GHz band by satellite communications. How would the interference environment change if satellite uplinks were permitted in the 42 GHz band, either in addition to satellite downlinks or as an alternative to satellite downlinks?

54. The Commission observes that the 42 GHz band is already allocated and used for FSS (space-to-Earth) on a primary basis outside of the United States, and that such FSS operations are already required to protect radio astronomy operations through the limits on PFD and equivalent PFD emitted by FSS space stations through the provisions of ITU Footnote 5.551H and 5.551I, as well as ITU Resolution 743 (WRC–03), Protection of single-dish radio astronomy stations in Region 2 in the 42.5–43.5 GHz band (2003). The Commission seeks comment on whether these provisions, which have been in place for over twenty years, would be sufficient to protect radio astronomy in the 42.5–43.5 GHz band from the risk of harmful interference from FSS (space-to-Earth) operations in the 42 GHz band in the United States. If FSS (space-to-Earth) operations in the 42 GHz band are limited to individually licensed gateway earth stations, would geographic separation be an additional, or alternative, method to protect radio astronomy observations in the 42.5–43.5 GHz band? Are there other international Radio Regulation provisions or interference mitigation techniques that could facilitate the more intensive use of the 42 GHz band by non-Federal FSS (space-to-Earth) operations? For example, CORF supports the use of parameters established by ITU–R.RA 769 to be used as the criteria for protecting radio astronomy sites from interference, if specific methodology for protecting radio astronomy facilities is agreed upon. In addition, SIA suggests that the tighter ''per 500 kHz'' components of the EPFD and PFD limits in Footnote 5.551H and 5.551I of the ITU Radio Regulations and associated ITU Resolution 743 should apply only

in the band 42.7–43.5 GHz in the United States, where RAS observations are most sensitive. The Commission seeks comment on these observations, suggestions, and questions.

55. The Commission also seeks comment on the ability of non-Federal FSS (space-to-Earth) operations in the 42 GHz band to coexist with Federal FSS (Earth-to-space) operations in the adjacent 42.5–43.5 GHz band. Similarly, the Commission seeks comment on the ability of non-Federal FSS (space-to-Earth) operations in the 42 GHz band to coexist with Federal MS (except aeronautical mobile) users in the adjacent 42.5–43.5 GHz band. The Commission observes that such Federal FSS (Earth-to-space) and MS operations must already limit their operations to protect Federal and non-Federal radio astronomy operations in the 42.5–43.5 GHz band. Given the need to protect radio astronomy sites within the same frequency band, would such protections also facilitate the ability of non-Federal FSS (space-to-Earth) operations in the adjacent 42 GHz band? The Commission seeks comment on these questions and observations.

III. Notice of Proposed Rulemaking

56. Satellite operators have requested that the Commission examine making two other spectrum bands available for satellite communications, in addition to the 12.7 GHz and 42 GHz bands. The Commission seeks comment on its proposals concerning each of these requests below.

A. Access to the 51.4–52.4 GHz Band for Satellite Communications

57. The Commission proposes to make the 51.4–52.4 GHz band more available for use by satellite communications, as requested by a satellite operator. The 51.4–52.4 GHz band is currently allocated domestically as a shared Federal/non-Federal band for fixed and mobile services. Internationally, the band is allocated to terrestrial fixed and mobile services and GSO FSS networks in the Earth-to-space direction on a co-primary basis. The ITU began studying this band for FSS use after the 2015 World Radiocommunication Conference (''WRC–15'')'s approval of Resolution 162, which directed ITU–R to study the FSS spectrum needs and a possible FSS allocation in the 51.4–52.4 GHz band. These studies, which were completed shortly before WRC–19, concluded that ''the additional allocation to FSS being considered is beneficial to make broadband connections more accessible to communities regardless of their geographical location and with more affordable costs as achieved by HTS (High Throughput Satellite) systems'' and recommended adding an FSS allocation in the 51.4–52.4 GHz band for GSO networks, along with limits of unwanted emission power to ensure GSO compatibility with EESS (passive) operations in the 52.6–54.25 GHz band. WRC–19 adopted these limits and added an FSS allocation limited to GSO networks in the band.

58. Both before and after the adoption of Res. 750 (WRC–19), interested satellite parties have filed Petitions for Rulemaking to gain access to the band. In 2016, Boeing filed a Petition for Rulemaking to add a FSS Earth-to-space allocation and in 2020, the Satellite Industry Association submitted a Petition for Rulemaking asking the Commission to (1) adopt domestically the WRC–19 GSO FSS allocation in the 51.4–52.4 GHz band; and (2) expand this new allocation by making it available to NGSO FSS systems. The Commission has not acted on either of these requests.

59. The Commission observes that a robust record supporting use of this band for satellite communications has accumulated over the past 10 years. The Commission seeks comment on whether its proposal to grant access to the 51.4–52.4 GHz band by satellite operators would advance its goal for more efficient and intensive use of the band in the Earth-to-space direction. The Commission invites comment on creating a domestic FSS allocation in the band and whether use of the allocation should be limited to NGSO systems. Commenters should address current Federal and non-Federal uses of the band, opportunities for NGSO FSS deployment, and efficient coexistence measures to best protect incumbent or potential future services in these, adjacent bands, and the nearby 52.6–54.6 GHz band covered by Footnote US246 and international Footnote 5.340, including terrestrial and satellite operations and passive services. For example, the Commission seeks comment on whether limits on unwanted power emissions could ensure NGSO compatibility with ESS (passive) and space research (passive) operations in the 52.6–54.25 GHz band. The Commission also seeks comment on any changes to its part 25 rules that are needed to permit access to this band by satellite communications. Although global harmonization is not a prerequisite to Commission spectrum allocations or service rules, the Commission seeks comment on any tradeoffs of adopting service rules for this band in the absence of an international allocation for satellite communications.

B. Access to the ''W-Band'' for Satellite Communications

60. The Commission also proposes to make the following frequency ranges in the so-called ''W-band'' available for use by satellite communications: 92.0–94.0 GHz, 94.1–100 GHz, 102.0–109.5 GHz, and 111.8–114.25 GHz, as requested by a satellite operator. The satellite operator argues that these frequency bands are well suited for satellite backhaul communications because they combine large bandwidth with high-gain, narrow ''pencil beam'' transmissions, allowing high-capacity backhaul while effectively allowing sharing of the spectrum with other users. It also argues that a proposal to add NGSO FSS uplink allocations in these bands would facilitate the future growth and innovation of next-generation satellite services and present a ''first-mover advantage'' for U.S.-licensed operators while encouraging other administrations to seek similar allocations for satellite communications in these bands.

- These W-band frequency ranges have unified allocations for Federal and non-Federal operations;
- The 92.0–94.0 GHz band has primary allocations for terrestrial fixed and mobile services, as well as radio astronomy and radiolocation services;
- The 94.1–95.0 GHz band has primary allocations for terrestrial fixed and mobile services, as well as radio astronomy and radiolocation services;
- The 95–100 GHz band is allocated on a primary basis to fixed, mobile, radio astronomy, radiolocation, radionavigation, and radionavigation satellite services;
- The 102–105 GHz band is allocated on a primary basis to fixed, mobile, and radio astronomy;
- The 105.0–109.5 GHz band has primary allocations for the fixed, mobile, radio astronomy, and space research (passive) services; and
- The 111.8–114.25 GHz band is allocated on a primary basis for the fixed, mobile, radio astronomy, and space research (passive) services.

61. All these bands are subject to Footnote US342, which states that all practicable steps must be taken to protect the radio astronomy service from harmful interference, and that emissions from spaceborne or airborne stations can be particularly serious sources of interference to the radio astronomy service.

62. The 92–94 GHz and 94.1–95 GHz bands are also subject to Footnote US161, which requires allocated

services within specified distances to be coordinated with specified radio astronomy observatories. The 95–100 GHz band is subject to international Footnote 5.554 that authorizes satellite links connecting land stations at specified fixed points, when used in conjunction with the mobile-satellite service or the radionavigation-satellite service. The 102–105 GHz, 105.0–109.5 GHz, and 111.8–114.25 GHz bands are subject to international Footnote 5.341, which notes that passive research is being conducted by some countries for the search for intentional emissions of extraterrestrial origin.

63. The Commission seeks comment on making changes to the U.S. Table of Allocations to provide allocations for FSS in any or all of these frequency bands, as well as any changes to its part 25 rules to effectuate such changes. The Commission seeks comment on whether granting access to these W-band frequencies by satellite operators would advance its goal for more efficient and intensive use of spectrum. The Commission invites comment whether use of the allocation should be limited individually licensed gateway stations in the Earth-to-space direction, and whether to limit use of these spectrum ranges to NGSO systems. Commenters should also address current Federal and non-Federal uses of the band, opportunities for NGSO FSS deployment, and potential coexistence measures to efficiently protect incumbent services or potential future services in these, or adjacent, bands, particularly Federal operations. The Commission is unaware of any technical studies that have been conducted to determine any limits of unwanted emission power to ensure protection of EESS (passive) and RAS operations in the 86–92 GHz, 100–102 GHz, 109.5–111.8 GHz, and 114.25–116 GHz bands (covered by Footnote US246 and international Footnote 5.340) or EESS (active) operations in the 94–94.1 GHz band. The Commission expects that any coexistence analysis would consider specific information about anticipated NGSO FSS gateway station operating parameters including deployment densities, earth station elevation angles, antenna characteristics (*e.g.,* antenna polarization, antenna pattern mask), station Equivalent Isotropically Radiated Power (EIRP), and operating bandwidths (including out-of-band performance). The Commission seeks specific comment on these operating parameters. The Commission also seeks general comment on information or methodologies that may best inform the likelihood of harmful interference. Furthermore, the Commission seeks comment on whether it could extend the self-coordinated and data-assisted ''light-licensing'' framework for the 70/80/90 GHz band to these W-band frequencies. As the Commission observes above for the 51.4–52.4 GHz band, although global harmonization is not a prerequisite to Commission spectrum allocations or service rules, the Commission seeks comment on the tradeoffs, if any, of adopting service rules for this band in the absence of an international allocation for satellite communications.

IV. Initial Regulatory Flexibility Analysis

64. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the FNPRM and NPRM (collectively, document) assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the document. The Commission will send a copy of the document, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the document and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

65. The Commission sought comment in two prior NPRMs on ways the 12.7 GHz band, and the 42 GHz band could be used more efficiently and intensively by terrestrial wireless communications for innovation, economic growth, and to increase connectivity in the United States. A mixture of terrestrial wireless and satellite uses currently operate in the 12.7 GHz band as well as limited Federal operations. The 42 GHz band which is not currently used for any existing services in the United States, is allocated to non-Federal FS and MS on a primary basis, but not allocated to any satellite services. In addition, in *ex parte* filings within the proceeding, commenters suggested the Commission also make available for more intensive satellite use the 52 GHz band as well as the W-band. Internationally, the 52 GHz band is allocated to terrestrial fixed and mobile services and GSO FSS networks in the Earth-to-space direction on a co-primary basis, but there does not yet exist an allocation for satellite operations in the United States. The W-band ranges have varied but unified allocations for Federal and non-Federal operations, with large bandwidth with high-gain, narrow ''pencil beam'' transmissions, that could allow high-capacity satellite backhaul communications.

66. In the document, the Commission continues its efforts to promote technological innovation, to grow the nation's economy, and to facilitate increased connectivity for all Americans. The document seeks further comment on ways to use the 12.7 GHz band, the 42 GHz band, the 52 GHz band, and the W-band more efficiently and intensively. The document also seeks comment on using these bands more intensively for satellite communications, including as an alternative, or a complement to the previous proposals for terrestrial wireless communications in the band.

67. To achieve more intensive use of the 12.7 GHz band by satellite communications, the document requests comment on removing existing regulatory restrictions, and opening the band to a wider range of satellite operations. For more intensive use of the 42 GHz band, the document requests comment on adding for the first time, an allocation for satellite communications in the fixed-satellite service (FSS). In addition, in the document, the Commission proposes creating a creating a domestic FSS allocation in the 52 GHz band and the W-band for more intensive use of those bands. While the Commission seeks to more efficiently and intensively expand use of these bands, it is also mindful of the continued need to protect incumbent spectrum users from the risk of harmful interference, and seeks comment on ways to protect incumbent spectrum users in the band, as well as ways to protect spectrum users, particularly Federal operators, in adjacent bands.

B. Legal Basis

68. The proposed action is authorized pursuant to sections 1, 2, 4, 301, 302, 303, 304, 307, 309, and 310 of the Communications Act of 1934, 47 U.S.C. 151, 152, 154, 301, 302a, 303, 304, 307, and § 1.411 of the Commission's rules, 47 CFR 1.411.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

69. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small

entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.'' A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

70. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* The Commission's actions, over time, may affect small entities that are not easily categorized at present. The Commission therefore describes, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.

71. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' The Internal Revenue Service (IRS) uses a revenue benchmark of $50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2022, there were approximately 530,109 small exempt organizations in the U.S. reporting revenues of $50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

72. Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data from the 2022 Census of Governments indicate there were 90,837 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number, there were 36,845 general purpose governments (county, municipal, and town or township) with populations of less than 50,000 and 11,879 special purpose governments (independent school districts) with enrollment populations of less than 50,000. Accordingly, based on the 2022 U.S. Census of Governments data, the Commission estimates that at least 48,724 entities fall into the category of ''small governmental jurisdictions.''

73. *Radio Frequency Equipment Manufacturers (RF Manufacturers).* There are several analogous industries with an SBA small business size standard that are applicable to RF Manufacturers. These industries are Fixed Microwave Services, Other Communications Equipment Manufacturing, Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing. A description of these industries and the SBA small business size standards are detailed below.

74. *Fixed Microwave Services.* Fixed microwave services include common carrier, private-operational fixed, and broadcast auxiliary radio services. They also include the Upper Microwave Flexible Use Service (UMFUS), Millimeter Wave Service (70/80/90 GHz), Local Multipoint Distribution Service (LMDS), the Digital Electronic Message Service (DEMS), 24 GHz Service, Multiple Address Systems (MAS), and Multichannel Video Distribution and Data Service (MVDDS), where in some bands licensees can choose between common carrier and non-common carrier status. Wireless Telecommunications Carriers (except Satellite) is the closest industry with an SBA small business size standard applicable to these services. The SBA small size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of fixed microwave service licensees can be considered small.

75. The Commission's small business size standards with respect to fixed microwave services involve eligibility for bidding credits and installment payments in the auction of licenses for the various frequency bands included in fixed microwave services. When bidding credits are adopted for the auction of licenses in fixed microwave services frequency bands, such credits may be available to several types of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for the auction and/or as identified in part 101 of the Commission's rules for the specific fixed microwave services frequency bands.

76. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time the Commission is not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

77. *Other Communications Equipment Manufacturing.* This industry comprises establishments primarily engaged in manufacturing communications equipment (except telephone apparatus, and radio and television broadcast, and wireless communications equipment). Examples of such manufacturing include fire detection and alarm systems manufacturing, Intercom systems and equipment manufacturing, and signals (*e.g.,* highway, pedestrian, railway, traffic) manufacturing. The SBA small business size standard for this industry classifies firms having 750 or fewer employees as small. For this industry, U.S. Census Bureau data for 2017 shows that 321 firms operated for the entire year. Of that number, 310 firms operated with fewer than 250 employees. Based on this data, the Commission concludes that the majority of Other Communications Equipment Manufacturers are small.

78. *Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.* This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment. The SBA small business size standard for this industry classifies firms having 1,250 employees or less as small. U.S. Census Bureau data for 2017 show that there were 656 firms in this industry that operated for the entire year. Of this number, 624 had fewer than 250 employees. Based on

this data, the Commission concludes that a majority of manufacturers in this industry are small.

79. *BAS Remote Pickup (RPU) Licensees (TV Stations).* Only licensees of broadcast stations, broadcast networks, and cable networks can hold RPU licenses. BAS involves a variety of transmitters, generally used to relay broadcast programming to the public (through translator and booster stations) or within the program distribution chain (from a remote news gathering unit to the studio or from the studio to the transmitter). The Commission nor the SBA has developed a small business size standard for BAS RPU licensees. Television Broadcasting is the closest industry with a SBA small business size standard for Remote pickup BAS when used by a TV station. The SBA small business size standard for this industry classifies a business as small if it has $47 million or less in annual receipts. 2017 U.S. Census Bureau indicates that 744 firms in this industry operated for the entire year. Of that number, 657 firms had revenue of less than $25,000,000. Based on this data the Commission estimates that the majority of firms are small entities under the SBA size standard.

80. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

81. *Satellite Telecommunications.* This industry comprises firms ''primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' Satellite telecommunications service providers include satellite and earth station operators. The SBA small business size standard for this industry classifies a business with $44 million or less in annual receipts as small. U.S. Census Bureau data for 2017 show that 275 firms in this industry operated for the entire year. Of this number, 242 firms had revenue of less than $25 million. Consequently, using the SBA's small business size standard most satellite telecommunications service providers can be considered small entities. The Commission notes however, that the SBA's revenue small business size standard is applicable to a broad scope of satellite telecommunications providers included in the U.S. Census Bureau's Satellite Telecommunications industry definition. Additionally, the Commission neither requests nor collects annual revenue information from satellite telecommunications providers, and is therefore unable to more accurately estimate the number of satellite telecommunications providers that would be classified as a small business under the SBA size standard.

82. *All Other Telecommunications.* This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Providers of internet services (*e.g.,* dial-up ISPs) or Voice over Internet Protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of $40 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than $25 million. Based on this data, the Commission estimates that the majority of ''All Other Telecommunications'' firms can be considered small.

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

83. The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.

1. 12.7 GHz Band

84. *Elimination of Existing Regulatory Restrictions and Expanded Use of the 12.7 GHz Band.* Opening and expanding use of the 12.7 GHz band by satellite communications by eliminating or amending the restrictions of existing Footnotes NG52 and NG57 to the Table of Allocations; and expanding use of the band by ESIMs via amendment or expanded application of existing Footnote NG527A, and utilizing for satellite communications downlink (space-to-Earth direction) operations in addition to, or as an alternative to, the existing allocation for satellite communications uplink (Earth-to-space) operations restrictions should not impose any reporting, recordkeeping, or other compliance requirements on small and other entities in the satellite communications industry. Instead, the potential deregulation could have a positive economic impact on small entities in the satellite communications industry.

85. *Changes to Part 25 Rules and Table of Allocations To Expand the Use of the 12.7 GHz Band.* Part 25 rule changes, and changes to the Table of Allocations to expand the use of the 12.7 GHz Band by satellite communications which the Commission seeks comment on include, lifting the existing freeze on space and earth station applications in the 12.7 GHz band; changes to the Table of Allocations and its part 25 rules to expand the use of the 12.7 GHz band by satellite communications such as adding ''Satellite Communications (part 25)'' to the FCC Rule Part(s) column of the Table of Allocations in the 12.7 GHz band; and examining whether the existing licensing and operating provisions of § 25.146 of the Commission's rules, which govern non-geostationary satellite orbit operations in the 10.7–30 GHz frequency range, including any applicable equivalent power-flux density levels, are sufficient to address an increased operations by satellite communications in the 12.7

GHz band. In addition, the Commission seeks comment on whether to use the Commission's existing licensing procedures under part 25 of the Commission's rules to process any new applications for geostationary or non-geostationary satellite orbit space stations to operate in the 12.7 GHz band, or whether any changes to the Commission's part 25 rules are needed for processing new applications. If adopted, there could be an economic impact for small and other satellite communications entities who would be required to comply with the licensing, reporting, and recordkeeping requirements of part 25, either in their existing form or as changed in this rulemaking.

86. *Sharing the 12.7 GHz Band With Existing Non-Federal Users.* Sharing the 12.7 GHz band with existing non-Federal users could likewise have an economic impact for small and other satellite communications entities. The document probes sharing the 12.7 GHz band with existing Non-Federal users inquiring whether expanded use of the 12.7 GHz band by satellite communications necessitates any changes to the spectrum sharing obligations between satellite communications operations and non-Federal terrestrial operations, particularly fixed point-to-point and mobile BAS and CARS. The Commission asks whether the existing primary allocations for fixed and mobile services in the 12.7 GHz band should be maintained, or whether they should be changed from a primary to a secondary allocation in the United States, in either the 12.7–12.75 GHz band or the 12.75–13.25 GHz band, in order to reflect any more intensive use of the band by satellite communications.

87. The Commission also asks whether increasing the use of the 12.7 GHz band by satellite communications requires sunsetting or repacking of existing non-Federal terrestrial operations in the 12.7 GHz band, or whether increased use of the band by satellite communications can be accomplished under existing spectrum sharing obligations without sunsetting or repacking. Specifically, the Commission asks how might such repacking of BAS/CARS be accomplished, and how repacking might impact operations of primary spectrum users in the adjacent 12.2–12.7 GHz band. Additionally, the document seeks comment on whether the expanded use of the 12.7 GHz band by satellite communications would be facilitated or accelerated by the deletion or sunsetting of Footnote NG53 to the Table of Allocations, which reserves sub-bands in the range of 13.15 GHz to 13.2125 GHz for television pick up and CARS inside a 50 kilometer radius of the top 100 television markets and prohibits non-geostationary satellite orbit fixed-satellite service gateway stations from operating in these locations in these sub-bands.

88. If repacking of existing non-Federal terrestrial operations in the 12.7 GHz is adopted, there could likewise be an economic impact on small and other satellite communications entities. Certain expenses will be placed on incumbent terrestrial operators, and the Commission may establish cost-sharing procedures between incumbent terrestrial operators and satellite communications operators. This process may require small entities that are incumbent terrestrial operators in the band to relocate their operations to different spectrum bands, potentially requiring reconfiguration or replacement of existing facilities, and to participate in negotiations to reassign their spectrum access rights, which would involve additional attendant costs for both terrestrial and satellite communications operators.

89. *Protection of Federal Operations.* The document explores how to continue to protect Federal space research (deep space) operations in the 12.7 GHz band, and Federal operations in primary allocations for the EESS (active), ARNS, and space research (active) in the adjacent 13.25–13.4 GHz band from the risk of harmful interference that may result from increased access by satellite communications in the 12.7 GHz band. Specifically, the Commission seeks comment on a range of ways to protect Federal operations from interference, including geographic separation of satellite communications facilities from Federal facilities, the adoption of coordination requirements on blanket licensed satellite earth stations, or aggregate emissions limitations for blanket licensed satellite earth stations.

90. The Commission also seeks comment on whether the TIG set up by NTIA could be a tool for exchanging electromagnetic compatibility studies between Federal systems and satellite communications in the 12.7 GHz band. Additionally, the Commission seeks comment on whether OOBE limits on satellite communications or a buffer between satellite communications and Federal operations in adjacent bands could ensure that satellite communications protect Federal operations. If adopted, the above measures to protect Federal operations could impose reporting, recordkeeping, and other compliance costs on small and other satellite communications entities.

2. 42 GHz Band

91. *Access to the 42 GHz Band By Satellite Communications.* To inform the Commission's assessment of whether more efficient and intensive use of this high-band spectrum can be facilitated by allowing access to the 42 GHz band by satellite communications; and whether revisiting prior Commission determinations that high-band spectrum, including the 42 GHz band, has potentially greater value for Upper Microwave Flexible Use Service, or other terrestrial uses, than for satellite communications, are among the issues the Commission seeks comment on in the document. Specifically, the Commission seeks comment on whether granting access to the 42 GHz band by satellite communications would allow for most efficient spectrum use by adding an allocation for satellite communications downlinks (space-to-Earth) on a primary or secondary basis; and whether the 42 GHz band could be used for satellite communications uplinks (Earth-to-space) in addition to, or as an alternative to, satellite communications downlinks (space-to-Earth).

92. Small and other satellite communications entities could be required to comply with the licensing, reporting, and recordkeeping requirements of part 25, either in their existing form, or as changed as a result of this rulemaking. The document requests input on whether to license any space stations or earth stations in the 42 GHz band using its existing part 25 licensing procedures and technical rules; if any changes to the part 25 rules would be needed to accommodate use of the 42 GHz band by both geostationary and non-geostationary satellite orbit space stations; and limiting earth station operations in the 42 GHz band to individually licensed gateway stations, or whether ESIMs, or other blanket-licensed, non-gateway earth stations could be licensed in the 42 GHz band.

93. *Protection of and Coexistence with Federal Operations in Adjacent Bands.* There are no existing Federal allocations in the 42 GHz band, but there are primary allocations for Federal and non-Federal radioastronomy operations in the adjacent 42.5–43.5 GHz band, primary allocations for Federal operations in the fixed-satellite service (Earth-to-space), and mobile service (except aeronautical mobile) in the 42.5–43.5 GHz band that could be at risk of harmful interference if the Commission grants satellite communications use of the 42 GHz

band. The document explores protective measures such as limits on the power flux density of emissions of satellite communications or geographic separation of satellite communication earth stations from Federal facilities to prevent harmful interference for primary allocations in the adjacent 42.5–43.5 GHz band. The document also explores the 42 GHz band to coexist with Federal satellite communications uplink (Earth-to-space) operations in the adjacent 42.5–43.5 GHz band. If adopted, measures to protect Federal operations from the risk of harmful interference could impose reporting, recordkeeping, and other compliance costs on small and other satellite communications.

3. 52 GHz Band

94. *Access to the 52 GHz Band by Satellite Communications.* To inform the Commission's assessment of whether more efficient and intensive use of this high-band spectrum can be facilitated by allowing access to the 52 GHz band by satellite communications, the document proposes adding an NGSO FSS allocation in the United States. There is not an existing domestic satellite allocation, but there is an international allocation for GSO FSS operations. The document seeks comment on whether use of the proposed allocation should be limited to NGSO systems. It also seeks comment on how to account for ITU rules for international satellite operations and on the tradeoffs, if any, of adopting service rules for this band in the absence of an international allocation for satellite operations. Small and other satellite communications entities could be required to comply with the licensing, reporting, and recordkeeping requirements of part 25, either in their existing form, or as changed as a result of this rulemaking.

95. *Protection of and Coexistence with Operations in the Same and Adjacent Bands.* The 52 GHz band is currently allocated domestically as a shared Federal/non-Federal band for fixed and mobile services. The document asks commenters to address current Federal and non-Federal uses of the band, opportunities for NGSO FSS deployment, and efficient coexistence measures to best protect incumbent or potential future services in these, adjacent bands, and the nearby 52.6–54.6 GHz band. If adopted, measures to protect other operators or services from the risk of harmful interference could impose reporting, recordkeeping, and other compliance costs on small and other satellite communications.

4. W-Band

96. *Access to the W-Band by Satellite Communications.* To inform the Commission's assessment of whether more efficient and intensive use of this high-band spectrum can be facilitated by allowing access to the W-band by satellite communications, the document proposes adding an NGSO FSS allocation in the United States. It seeks comment on making changes to the U.S. Table of Allocations to provide allocations for FSS in any or all of these frequency bands, as well as any changes to the Commission's part 25 rules to effectuate such changes. It further invites comment on whether use of the allocation should be limited individually licensed gateway stations in the Earth-to-space direction, and on whether to limit use of these spectrum ranges to NGSO systems. It also seeks comment on how to account for ITU rules for international satellite operations and on the tradeoffs, if any, of adopting service rules for this band in the absence of an international allocation for satellite operations. Small and other satellite communications entities could be required to comply with the licensing, reporting, and recordkeeping requirements of part 25, either in their existing form, or as changed as a result of this rulemaking.

97. *Protection of and Coexistence with Operations in the Same and Adjacent Bands.* The W-band frequency ranges have both Federal and non-Federal allocations. All these bands are subject to Footnote US342 and RR Article 29, which states that all practicable steps must be taken to protect the radio astronomy service from harmful interference, and that emissions from spaceborne or airborne stations can be particularly serious sources of interference to the radio astronomy service. In addition, some are subject to Footnote US161, which requires allocated services within specified distances to be coordinated with specified radio astronomy observatories. The document seeks comment on mechanisms and protection criteria that would prevent harmful interference to the radio astronomy service. It likewise asks commenters to address current Federal and non-Federal uses of the band, opportunities for NGSO FSS deployment, and potential coexistence measures to efficiently protect incumbent services or potential future services in these, or adjacent, bands, particularly Federal operations. The document also seeks comment on the parameters of a coexistence analysis and methodologies that may best inform the likelihood of harmful interference. If adopted, measures to protect other operators or services from the risk of harmful interference could impose reporting, recordkeeping, and other compliance costs on small and other satellite communications.

98. Compliance with any rule changes applicable to the 12.7 GHz, 42 GHz, and 52 GHz bands and W-band that may result in this proceeding may require small entities to hire attorneys, engineers, consultants, or other professionals. In particular, for small entities that are not existing operators, and do not have existing staffing dedicated to regulatory compliance, engineering and legal matters, hiring professional experts may be necessary to make the requisite filings, and to demonstrate compliance. Although the Commission cannot quantify the cost of compliance with any potential rule changes at this time, the majority of the changes upon which comment is sought in the document involves removing restrictions on satellite communications in the 12.7 GHz band, potentially licensing satellite communications in the 42 GHz band, and interference avoidance techniques that have been established for satellite communications in other bands. Small entities with existing licenses in other bands may already be familiar with such policies and requirements, and have the processes and procedures in place to facilitate compliance resulting in minimal incremental costs to comply if similar requirements are adopted for this band. Consequently, for both bands, the Commission does not anticipate small and other satellite communications entities will incur any additional reporting, recording, or other compliance costs for such rule changes, if adopted. The Commission expects that the information it receives in comments and through cost-benefit analyses will help it identify and evaluate all relevant matters including compliance costs and other burdens on small entities.

E. Discussion of Significant Alternatives That Minimize the Significant Economic Impact on Small Entities

99. The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or

simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

100. As part of its assessment of whether a more efficient and intensive use of the 12. GHz band can be accomplished by eliminating certain regulatory restrictions on the use of the band for satellite communications, the Commission is considering if there is a continued need for Footnote NG52 limits on GSO FSS in the 12.7 GHz band (Earth-to-space) for international systems. This limitation was designed to protect incumbent BAS, CARS, and fixed microwave operations from a large number of satellite earth station deployments. The document requests further comment on whether Footnote NG52 which satellite operators argue artificially limits FSS deployments in the 12.7 GHz band, is still needed to protect incumbent BAS, CARS, and fixed microwave operations in the 12.7 GHz band, or alternatively, if other means can be implemented to protect incumbent FS and MS operations in the band that would not unnecessarily restrict access to the band and realization of the associated economic opportunities small and other satellite operators could achieve with access to the band. As proposed by commentors, the document specifically considers, and seeks feedback on amending the text of Footnote NG52 to remove its applicability to the 12.7 GHz band in order to efficiently and expeditiously increase access to the 12.7 GHz portion by satellite communications. Other alternatives, the Commission considers in the document that could minimize the economic impact for small satellite communications entities is whether other changes to Footnote NG52, other footnotes, or to the part 25 rules or other Commission rule parts, are needed to eliminate regulatory restrictions that limit the use of the 12.7 GHz band by satellite communications.

101. Economic impacts from the increased use of the 12.7 GHz band by satellite communications are most likely to arise from any sunsetting or repacking of existing terrestrial non-Federal users. Although the Commission considers and seeks comment on sunsetting or repacking of existing non-Federal terrestrial operations in the 12.7 GHz band, the Commission also seeks comment on whether increased use of the band by satellite communications can be accomplished under existing spectrum sharing obligations without sunsetting or repacking, an alternative which could avoid, or minimize, economic impacts on small and other BAS and CARS licensees.

102. In the document, the Commission's request for comment on the expansion of access to, and use of, the 12.7 GHz, 42 GHz, and 52 GHz bands and W-band to include satellite communications considers the feasibility of applying the existing part 25 application and licensing procedures, and technical rules, or alternatively, whether making rule modifications—removing or adding rules—are necessary. For example, the Commission seeks comment on limiting earth station operations in the 42 GHz band to individually licensed GSO and NGSO FSS gateway stations, or alternatively, whether ESIMs or other blanket-licensed, non-gateway earth stations can be licensed in the 42 GHz band. As discussed, the economic benefit for small and other satellite communications entities of using existing part 25 rules and processes, is the likelihood that they will incur minimal incremental costs since these entities may already have the processes and procedures in place to facilitate compliance. Further, if the application of certain part 25 are eliminated, small and other satellite communications entities stand to incur less administrative and potentially other compliance costs.

103. To assist with the Commission's evaluation of the economic impact on small entities that may result from the actions and alternatives that have been discussed in this proceeding, the document seeks alternative proposals, and requests information on the potential costs of such alternatives to small and other licensees. The Commission expects to consider more fully the economic impact on small entities following its review of comments filed in response to the document, including costs and benefits information. Alternative proposals and approaches from commenters could also help the Commission further minimize the economic impact on small entities. The Commission's evaluation of the comments filed in this proceeding will shape the final conclusions it reaches, the final alternatives it considers, and the actions it ultimately takes in this proceeding to minimize any significant economic impact that may occur on small entities from the final rules that are ultimately adopted.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

104. None.

V. Ordering Clauses

105. Accordingly, *it is ordered,* pursuant to sections 1, 2, 4, 301, 302, 303, 304, 307, 309, and 310 of the Communications Act of 1934, 47 U.S.C. 151, 152, 154, 301, 302a, 303, 304, 307, and section 1.411 of the Commission's rules, 47 CFR 1.411, that the Further Notice of Proposed Rulemaking and Notice of Proposed Rulemaking *are hereby adopted.*

106. *It is further ordered* that the Commission's Office of the Secretary, *shall send* a copy of the Further Notice of Proposed Rulemaking and Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2025–11966 Filed 6–26–25; 8:45 am]

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Notices

Federal Register
Vol. 90, No. 122
Friday, June 27, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Adoption of Recommendations

AGENCY: Administrative Conference of the United States.

ACTION: Notice.

SUMMARY: The Assembly of the Administrative Conference of the United States adopted three recommendations at its hybrid (virtual and in-person) Eighty-third Plenary Session: Agency Investigative Procedures; Consultation with State, Local, and Tribal Governments in Regulatory Policymaking; and Public Participation in Agency Adjudication.

FOR FURTHER INFORMATION CONTACT: For Recommendation 2025–1, Adam Cline; Recommendation 2025–2, Becaja Caldwell; and Recommendation 2025–3, Lea Robbins. For each of these recommendations the address and telephone number are: Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036; Telephone 202–480–2080.

SUPPLEMENTARY INFORMATION: The Administrative Conference Act, 5 U.S.C. 591–596, established the Administrative Conference of the United States. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by Federal agencies and makes recommendations to agencies, the President, Congress, and the Judicial Conference of the United States for procedural improvements (5 U.S.C. 594(1)). For further information about the Conference and its activities, see *www.acus.gov.*

The Assembly of the Conference met during its Eighty-third Plenary Session on June 12, 2025, to consider three proposed recommendations and conduct other business. All three recommendations were adopted.

Recommendation 2025–1, *Agency Investigative Procedures.* This recommendation provides best practices for agencies that promote accuracy, efficiency, and fairness in investigations of specific regulated entities. It provides guidance on initiating investigations; exchanging and considering evidence and arguments; issuing subpoenas and warrants; and deciding whether to terminate an investigation, negotiate with the subject of an investigation, or pursue an action in an administrative or judicial tribunal.

Recommendation 2025–2, *Consultation with State, Local, and Tribal Governments in Regulatory Policymaking.* This recommendation provides agencies with best practices regarding consultation with state, local, and tribal governments in the development and implementation of regulatory policies. It provides guidance on developing policies for consultation; designating officials responsible for overseeing and facilitating consultation; publicizing consultation opportunities; and adopting procedures to promote effective consultation with state, local, and tribal officials.

Recommendation 2025–3, *Public Participation in Agency Adjudication.* This recommendation provides agencies with best practices regarding public participation in administrative adjudications. It provides guidance on circumstances in which public participation may be appropriate; options for public participation; and methods for facilitating public participation effectively.

The Conference based its recommendations on research reports and prior history that are posted at: *https://www.acus.gov/event/83rd-plenary-session.*

Authority: 5 U.S.C. 595.

Dated: June 24, 2025.

Shawne C. McGibbon,

General Counsel.

Appendix—Recommendations of the Administrative Conference of the United States

Administrative Conference Recommendation 2025–1

Agency Investigative Procedures

Adopted June 12, 2025

Many federal agencies are responsible for detecting, investigating, and prosecuting potential violations of the statutes and regulations they administer.[1] Administrative investigation processes may involve a decision to initiate an investigation; requests for information and the exchange of evidence between an agency and the subject of an investigation; compulsory process, such as the issuance of a subpoena or warrant, to gather information from the subject of an investigation; consideration of evidence by the agency; and a decision to negotiate with the subject, settle the matter, initiate an action in an administrative or judicial tribunal, or terminate the investigation.[2] The Administrative Conference previously has recommended best practices for compiling and publishing enforcement manuals;[3] making settlement agreements publicly available;[4] allocating resources efficiently;[5] and using algorithmic tools, including artificial intelligence, to promote accuracy and efficiency in agency enforcement.[6] The Conference has specifically recommended that, subject to available resources, agencies responsible for investigating and prosecuting potential violations of the laws that they administer ''should develop an enforcement manual if doing so would improve communication of enforcement-related policies to agency personnel and promote the fair and efficient performance of enforcement functions consistent with established policies.''[7] Building on those recommendations, this Recommendation identifies best practices to improve transparency, fairness, and efficiency in agency investigations and help agencies carry out their regulatory missions effectively.

Statutes and agency rules govern how agencies allocate enforcement authority, including the authority to conduct investigations and direct the activities of

[1] This Recommendation does not address investigations conducted for general factfinding or policymaking purposes, routine inspections, accident or incident investigations when the agency lacks authority to initiate an enforcement action, or criminal investigations.

[2] Aram A. Gavoor, Administrative Investigations Best Practices 1–2 (May 20, 2025) (report to the Admin. Conf. of the U.S.).

[3] Admin. Conf. of the U.S., Recommendation 2022–5, *Regulatory Enforcement Manuals,* 88 FR 2314 (Jan. 13, 2023).

[4] Admin. Conf. of the U.S., Recommendation 2022–6, *Public Availability of Settlement Agreements in Agency Enforcement Proceedings,* 88 FR 2315 (Jan. 13, 2023); *see also* Admin. Conf. of the U.S., Recommendation 2023–1, *Proactive Disclosure of Agency Legal Materials,* ¶ 1(b), (d), 88 FR 42678, 42679 (July 3, 2023).

[5] *See, e.g.,* Admin. Conf. of the U.S., Recommendation 2012–7, *Agency Use of Third-Party Programs to Assess Regulatory Compliance,* 78 FR 2941 (Jan. 15, 2013); Admin. Conf. of the U.S., Recommendation 79–3, *Agency Assessment and Mitigation of Civil Money Penalties,* 44 FR 38824 (July 3, 1979).

[6] Admin. Conf. of the U.S., Recommendation 2024–5, *Using Algorithmic Tools in Regulatory Enforcement,* 89 FR 106406 (Dec. 30, 2024).

[7] Recommendation 2022–5, *supra* note 3, at 2314.

enforcement personnel. But aside from the Administrative Procedure Act's guarantee of the right to counsel for the subjects of investigations,[8] statutes typically leave many procedural aspects of investigations to agencies' discretion.[9] Many agencies with enforcement authority have compiled enforcement manuals that provide enforcement personnel with a ''comprehensive resource regarding enforcement-related laws and policies'' and seek to ''improve awareness of and compliance with relevant policies while promoting [public] transparency.'' [10]

Agency investigative procedures vary depending on, among other things, the statutes to which the agency is subject and the rules the agency adopts to implement them, the severity and nature of violations the agency investigates, the availability of agency resources, the urgency of the need to respond to a particular situation, and the public interest. The formality of an investigation also can determine the methods used by an agency. For example, some agencies collect informal information or review information collected in the course of supervising regulated entities before determining whether to initiate a formal investigation. Other agencies, by contrast, conduct a more formal investigation almost immediately after learning of a possible violation, for example during a routine inspection.[11]

Agencies may also solicit information and evidence from the subjects of investigations, using either voluntary or compulsory processes. Voluntary processes offer a subject an opportunity to present its position to the agency and present a holistic picture for the enforcement personnel upon receiving notice and before the agency moves forward with an action in an administrative or judicial tribunal.[12] Compulsory processes compel a person, in the course of an investigation, to produce testimony, records, information, or things or to submit to a search. These include subpoenas and warrants.[13]

Agencies differ in the discretion delegated to enforcement personnel in their investigative processes. For example, at some agencies, the authority to initiate investigations and carry out compulsory processes lies with agency heads or individual members of the agency, or other senior officials; other agencies give wide discretion to lower-level enforcement personnel for the same processes. Agency practices also vary in whether and when notice is provided to subjects of investigations, and in the agency's ability, and personnel authorized, to engage in negotiations and settlements or decide if an enforcement action is warranted. Some agencies utilize expedited settlement procedures, also termed fast-track settlement or pre-complaint settlement. Compared to traditional settlements, these processes typically are for minor and easily correctible violations, reduce penalties and minimize transaction costs while allowing agencies to achieve their enforcement goals, and save agency time and resources.[14] In some cases, agencies are required, under statutes and regulations, to work in tandem with the Department of Justice and an assistant U.S. attorney to draft or carry out certain compulsory processes.[15]

To improve the efficiency, effectiveness, fairness, and transparency of agency investigative procedures, this Recommendation provides best practices to agencies to prepare and, when appropriate, add to their publicly available enforcement manuals, (1) standards and processes regarding the authority of personnel to conduct investigations; (2) criteria used to determine whether to initiate an investigation; (3) notice, communication, and evidentiary procedures for the subjects of investigations, including compulsory processes; (4) criteria to consider when weighing evidence; and (5) criteria governing end-stage processes such as negotiation, settlement, no-action decisions, or the initiation of an action in an administrative or judicial tribunal.[16] In offering the best practices that follow, the Conference recognizes that agencies conduct investigations at different stages, utilize different investigative methodologies, and have varying goals and statutory duties. Agencies should account for these differences when implementing this Recommendation. In developing these procedures, agencies should also account for concerns that settlements may be inappropriate in some circumstances.

Recommendation

Disclosure and Transparency

1. Agencies should include in their enforcement manuals information about agency investigative procedures consistent with Recommendation 2022–5, *Regulatory Enforcement Manuals.* Such information should address the use of electronic submissions and, consistent with Recommendation 2024–5, *Using Algorithmic Tools in Regulatory Enforcement,* artificial intelligence.

2. Agencies should determine, before taking investigative actions, such as using a compulsory process, whether and to what extent they may be required by statute or otherwise, to coordinate with another agency. Agencies should disclose in their enforcement manuals the circumstances in which and the extent to which they must coordinate with another agency when conducting an investigation.

Initiating Investigations

3. Agencies should establish, and include in their enforcement manuals, procedures that clearly explain whether enforcement personnel may initiate investigations independently or whether they must first gain approval from a supervisor or other agency official.

4. Agencies should provide enforcement personnel with clear criteria to determine whether to proceed with an investigation.

Investigative Methods

5. When agencies seek information, either formally or informally, from the subjects of an initiated investigation, they should communicate to the subjects:

a. The scope and general nature of the investigation;

b. The potential violations of statutes or regulations being investigated;

c. The date by which the subject must submit the information or otherwise respond to the request, including procedures for requesting an extension of time;

d. Whether any challenge or appeal process exists regarding the request;

e. Whether the information is being sought through a compulsory or voluntary process; and

f. Whether refusal to provide the information sought may result in a compulsory process.

6. Agencies should develop clear procedures, and include such procedures in enforcement manuals, for facilitating the exchange of information and evidence between the subject of an investigation and the agency.

7. When agencies engage in compulsory processes, they should clearly specify the basis in law for their action and whether any conduct or forbearance of conduct by the subject gave rise to the action. Agencies should provide adequate time for the subjects of investigations to respond to compulsory processes before seeking judicial intervention.

8. Agency officials initiating a compulsory process under their delegated authority should notify the relevant agency head when they use such a process.

9. As applicable, agencies should establish processes for administrative review of decisions regarding compulsory processes. When agencies issue an order through a compulsory process, they should allow the subject of the compulsory process to seek higher agency review on an interlocutory basis or at least allow for review before the agency seeks judicial enforcement.

Determining the Appropriate Course of Action Following an Investigation

10. Agencies should provide, and include in their enforcement manuals, instructions to enforcement personnel on considering evidence for purposes of determining whether to initiate or recommend initiating an action in an administrative or judicial tribunal, including the standard of proof an agency must meet in administrative proceedings, whether that standard differs from the preponderance of the evidence standard used by federal district courts in civil cases, and where the burden of proof rests in particular cases.

11. Agencies should provide, and include in enforcement manuals, the relevant factors that enforcement personnel should consider,

[8] *See* 5 U.S.C. 555(b); *see also* Admin. Conf. of the U.S., Statement #16, *Right to Consult with Counsel in Agency Investigations,* 59 FR 4677 (Feb. 1, 1994).

[9] *See, e.g.,* 42 U.S.C. 9604 (Comprehensive Environmental Response, Compensation, and Liability Act); 12 U.S.C. 5562 (Dodd-Frank Act); 47 U.S.C. 401–16 (Communications Act of 1934).

[10] Recommendation 2022–5, *supra* note 3.

[11] Gavoor, *supra* note 2, at 4–6, 27–28.

[12] *Id.* at 16–17.

[13] *Id.* at 8–13.

[14] *See generally id.* at 16–17, 55–57, 117–19.

[15] *See id.* at 7–8, 11–19.

[16] Recommendation 2022–5, *supra* note 3, at 2314.

including when preparing any supporting documentation such as justification memoranda, in recommending that the agency offer or enter into a settlement with the subject of an investigation, terminate the investigation, or initiate an action in an administrative or judicial tribunal.

12. Agencies should provide notice to the subjects of investigations before initiating an action in an administrative or judicial tribunal unless there are compelling reasons not to do so. The notice should include:

a. A statement that the agency has found substantial grounds for initiating an action against the subject based on alleged misconduct;

b. A detailed factual description of the alleged misconduct;

c. The legal basis for the action;

d. An invitation to respond to the evidence against the subject, as applicable;

e. Information about opportunities to submit additional evidence or argument before the agency initiates the action, as applicable; and

f. The forum and venue in which the action will take place.

13. When agencies terminate investigations, they should notify the subjects of investigations that they have done so unless there are compelling reasons not to do so.

Negotiation and Settlement Procedures

14. Agencies should develop procedures, and include such procedures in enforcement manuals, for entering into negotiations with the subjects of investigations. Such procedures should specify considerations to assist enforcement personnel in determining whether and to what extent agencies should negotiate with the subject of an investigation, including:

a. Relevant agency policies or past practices;

b. The nature of the alleged misconduct;

c. Relevant past misconduct, if any, by the subject of the investigation;

d. Whether the subject of the investigation would be more likely, because of such negotiation, to come into compliance with the agency's interpretation of the regulation or statute at issue;

e. Whether an expedited settlement would adequately achieve agency goals within the scope of statutory authority while saving agency time and resources; and

f. Whether the public interest would weigh in favor of negotiating a settlement.

15. Agencies should provide, and include in enforcement manuals, the relevant factors for enforcement personnel to consider when determining whether settlement is appropriate and clearly state who at the agency can propose, discuss, or enter into settlement agreements.

Administrative Conference Recommendation 2025–2

Consultation With State, Local, and Tribal Governments in Regulatory Policymaking

Adopted June 12, 2025

Many federal actions significantly affect state, local, and tribal governments. When federal agencies engage in regulatory policymaking or take actions implementing regulatory policy that may affect state, local, or tribal governments, they should coordinate and consult with such governments as well as those organizations that represent those entities. For the purposes of this Recommendation, ''regulatory policymaking'' refers to the formulation and implementation of regulations, legislative comments or proposed legislation, guidance, issuance of permits and licenses, and other policy statements or actions that have substantial direct effects on one or more states, local governments, or Indian tribes; the relationship between the federal government and the states or Indian tribes; or the distribution of power and responsibilities between the federal government and the states or Indian tribes. Regulatory policymaking may also include the rescission of regulatory actions or policies. Although state, local, and tribal governments may participate in regulatory policymaking through notice-and-comment rulemaking and similar processes, those processes are not a substitute for direct consultation between governments. Further, while informal outreach can be a valuable source of information, it is not a substitute for an agency's consultation requirement.[1] Moreover, consultation with state, local, and tribal governments improves federal regulatory policymaking and reflects the distinctive relationships that the federal government has with state and local governments and with tribal governments.

Consultation with state and local governments promotes values of cooperative federalism. The relationship between the federal government and state and local governments is rooted in the nation's traditions and reflected in the Constitution's creation of a federal system. Within this scheme of constitutional federalism, there has long been an expectation that the federal government engage with state and local governments on regulatory policymaking and implementation.

Consultation with tribal governments reflects the unique government-to-government relationship between tribes and the United States and the federal policy of promoting tribal self-determination. Consultation may also reflect a tribal role in implementing statutory responsibilities in a cooperative federalism framework. Formal government-to-government consultation, which requires direct engagement between tribal governments and the United States, reflects a long history of intergovernmental relations that stretches back to the Founding. Today, tribal consultation is consistent with the ''unique trust responsibility of the United States to protect and support Indian tribes and Indians'' [2] and the ''duty of the federal government to promote tribal self-determination regarding governmental authority and economic development.'' [3]

For these reasons, the Administrative Conference has repeatedly emphasized the importance of effective consultation with state, local, and tribal governments. It has, among other things, encouraged agencies to develop internal policies and processes to better ensure timely consultation with state and local officials;[4] follow certain best practices when consulting with state and local officials on regulations that may preempt state laws;[5] adopt rules for obtaining the views of state, local, and tribal governments in notice-and-comment rulemaking;[6] involve state, local, and tribal governments in retrospective review of federal agency rules;[7] and work with state and local governments to provide effective notice of regulatory developments to potentially interested persons.[8]

Consultation takes place according to several statutes and executive orders. The Unfunded Mandates Reform Act (UMRA) requires agencies to ''develop an effective process to permit offices of State, local, and tribal governments . . . to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates.'' [9] Executive

[1] Seth Davis & Daniel B. Rodriguez, Consultation with State, Local, and Tribal Governments in Regulatory Policymaking 53–54 (May 29, 2025) (report to the Admin. Conf. of the U.S.).

[2] Indian Trust Asset Reform Act, 25 U.S.C. 5601.

[3] *Id.* § 5602; *see also* Indian Self-Determination and Education Assistance Act, 25 U.S.C. 5302(a) (recognizing ''the obligation of the United States to respond to the strong expression of the Indian people for self-determination''), (b) (recognizing the federal government's responsibility to establish a ''meaningful Indian self-determination policy'' allowing ''effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services''). For the purposes of this Recommendation, the Conference refers to ''tribal governments'' as those that are ''federally recognized'' pursuant to applicable laws and statutes. *See, e.g.,* 25 U.S.C. 479. Federal appropriations laws call for consultation with Alaska Native Corporations on the same basis as Indian tribes under Executive Order 13175. *See* Consolidated Appropriations Act, 2004, Public Law 108–199, div. H, § 161, 118 Stat. 3, 452 (2004), as amended by Consolidated Appropriations Act, 2005, Public Law 108–447, div. H, § 518, 118 Stat. 2809, 3267 (2004). The Department of the Interior maintains a publicly available list of federally recognized tribes. *See Tribal Leaders Directory Page,* U.S. Dep't of Interior, *https://www.bia.gov/service/tribal-leaders-directory* (last visited Apr. 28, 2025).

[4] Admin. Conf. of the U.S., Recommendation 2010–1, *Agency Procedures for Considering Preemption of State Law,* 76 FR 81 (Jan. 3, 2011).

[5] Admin. Conf. of the U.S., Recommendation 84–5, *Preemption of State Regulation by Federal Agencies,* 49 FR 49838 (Dec. 24, 1984).

[6] Admin. Conf. of the U.S., Recommendation 2020–1, *Rules on Rulemakings,* 86 FR 6613 (Jan. 22, 2021).

[7] Admin. Conf. of the U.S., Recommendation 2014–5, *Retrospective Review of Agency Rules,* 79 FR 75114 (Dec. 17, 2014).

[8] Admin. Conf. of the U.S., Recommendation 2022–2, *Improving Notice of Regulatory Changes,* 87 FR 39798 (July 5, 2022).

[9] 2 U.S.C. 1534. Program-specific statutes, particularly in the environmental context, also require consultation for certain categories of federal regulatory actions. *See, e.g.,* National Historic Preservation Act of 1966, 54 U.S.C. 300101 *et seq.; see also* Energy Policy Act, 43 U.S.C. 1337(p)(7). Consultation also takes place against the backdrop of the Administrative Procedure Act, including its prohibition on ex parte communications in formal rulemaking and adjudication. *See* 5 U.S.C. 556, 557; *see also* Admin. Conf. of the U.S., Recommendation

Continued

Order 13132, *Federalism,*[10] and Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments,*[11] require agencies [12] to consult with relevant state, local, and tribal government officials when ''formulating and implementing'' regulatory policies that have federalism or tribal implications. The executive orders require each agency to establish an ''accountable process'' for ensuring ''meaningful and timely'' consultation, designate officials with principal responsibility for implementing the executive orders, and coordinate with the Office of Management and Budget (OMB). And when an agency develops a proposed regulation that imposes ''substantial direct compliance costs'' on state, local, or tribal governments, preempts state or tribal law, or has federalism or tribal implications, it must consult early in the development process and explain its consultation efforts in the preamble to the regulation.

Despite the framework of UMRA and Executive Orders 13132 and 13175, there remains great variety among agencies' rules, policies, and practices for consultation. For example, many agencies have adopted a publicly accessible tribal consultation policy and designated an official with principal responsibility for consultation with tribal governments. On the other hand, few agencies have adopted a publicly accessible state and local consultation policy or designated an official with principal responsibility for consultation with state and local governments. Agencies appear to have widely varying understandings of the purposes and goals of consultation generally and the potential benefits and costs of consultation in particular circumstances. And although there has been some convergence on common standards for tribal consultation, significant variations remain in agency policies and practices. This variety presents challenges to effective consultation between federal agencies and state, local, and tribal governments and can lead to misunderstandings and inefficiencies.[13]

Recognizing the important benefits of consultation for federal regulatory policymaking and implementation, this Recommendation provides best practices to help agencies develop rules, policies, and practices that promote effective consultation with state, local, and tribal governments. It encourages agencies to be transparent about their policies, adopt practices that foster meaningful consultation, and establish mechanisms for assessing performance. In adopting the practices that follow, agencies must be mindful of their unique missions and demands on scarce resources. This Recommendation also identifies potential actions for consideration by OMB, consistent with its mission and resources, and by Congress, that may improve consultation between federal agencies and state, local, and tribal governments in regulatory policymaking and implementation.

Recommendation

Consultation With State and Local Government Officials

1. Agencies that have regulatory policies or take actions that may have implications for or otherwise be of interest to state and local governments should designate a ''federalism consultation official'' who will serve as a primary point of contact for state and local governments seeking to consult or otherwise communicate with an agency and will have primary responsibility for coordinating consultations with state and local governments in regulatory policymaking and implementation.

2. Agencies, in consultation with state and local officials and organizations that represent them, should develop consultation policies that encourage candid, thorough, and timely exchange of views. Such policies should include:

a. The procedures for determining as a threshold matter whether a regulatory policy or action has federalism implications;

b. The circumstances in which consultation should occur, such as when:

i. There is a reasonable basis to find that a policy or action may impose federal intergovernmental mandates, as defined in the Unfunded Mandates Reform Act (2 U.S.C. 658(5)), or have federalism implications, as defined in Executive Order 13132;

ii. A state or local government requests consultation; or

iii. A regulatory policy or action may affect or otherwise be of interest to state or local officials;

c. Options for structuring consultation, including consultations on individual matters and standing advisory committees;

d. The procedures for consultation, including the notice, timing, and format of consultations (see Paragraphs 9 and 12), and considerations for determining whether the agency should engage in more than one consultation on a particular matter (see Paragraph 10), consistent with available resources and any need to act expeditiously;

e. The practices for ensuring that key staff and personnel who participate in and support a consultation understand the laws and policies governing consultation with state and local governments, the topics of the regulatory policy or action under consideration, issues the policy or action may raise for state and local communities, and the various positions of state and local government attendees;

f. The procedures the agency will use to communicate to state and local officials how the agency used their input; and

g. The procedures for keeping records of consultative activities, including documenting the status or outcome of each matter on which consultation occurred (see Paragraph 11).

3. Agencies should develop, make publicly available, and periodically update consultation web pages that provide easy access to:

a. The consultation policy described in Paragraph 2;

b. Contact information for the agency's designated federalism consultation official; and

c. Upcoming, ongoing, and recent consultation activities.

Consultation With Tribal Government Officials

4. Agencies that have regulatory policies or take actions that may have implications for or otherwise be of interest to tribal governments should designate a ''tribal consultation official'' who will serve as a primary point of contact for tribal governments seeking to consult or otherwise communicate with the agency and will have primary responsibility for coordinating consultation with tribal governments in regulatory policymaking and implementation. In determining whom to designate, agencies should consider individuals with training on and experience with tribal sovereignty and governance, the Indian trust responsibility, and tribal cultures and histories.

5. Government-to-government consultation between tribal governments and federal agencies should be an opportunity for a two-way exchange of information and dialogue between high-level officials of tribal nations and the United States (see Paragraph 6(b)). In conducting formal government-to-government consultations with tribal governments, agencies should ensure that a high-level agency official attends such consultations. Agencies should clearly distinguish consultation from other forms of communication such as listening sessions and informal communications between agency officials and tribal officials, which also may be necessary and appropriate.

6. Agencies, in consultation with tribal governments and communication with authorized intertribal organizations, should develop consultation policies that encourage candid, thorough, and timely exchange of views. Such policies should include:

a. The procedures for determining as a threshold matter whether a regulatory policy or action has tribal implications, recognizing that tribes may have rights and interests beyond their current territories or reservations;

b. A definition of consultation that acknowledges the government-to-government relationship between tribal nations and the United States and recognizes tribal consultation as a timely two-way exchange of information and dialogue between official representatives of tribal nations and the United States;

c. A commitment to respecting tribal sovereignty, treaty rights, reserved rights, and other rights as well as the trust responsibility and the unique legal relationship between tribal nations and the United States and a commitment to considering tribal laws, traditions, and practices;

d. The circumstances in which consultation should occur, such as when:

i. There is a reasonable basis to find that a regulatory policy or action may impose federal intergovernmental mandates, as defined in the Unfunded Mandates Reform Act (2 U.S.C. 658(5)), or have tribal implications, as defined in Executive Order 13175;

2014–4, ''*Ex Parte*'' *Communications in Informal Rulemaking,* 79 FR 35993 (June 25, 2014).

[10] 64 Fed. Reg 43255 (Aug. 10, 1999).

[11] 65 FR 67249 (Nov. 9, 2000).

[12] Although the executive orders do not apply to independent regulatory agencies, those agencies are ''encouraged'' to comply with them.

[13] Davis & Rodriguez, *supra* note 1, at 5–7.

ii. A tribal government requests consultation; or

iii. A regulatory policy or action may affect or otherwise be of interest to tribal nations;

e. Options for structuring consultation, including consultations on individual matters and standing advisory committees;

f. The procedures for consultation, including the notice, timing, and format of consultations (see Paragraphs 9 and 12); considerations for determining whether the agency should engage in more than one consultation on a particular matter (see Paragraph 10); and which federal agency personnel should attend consultations (see Paragraph 5), consistent with available resources and any need to act expeditiously;

g. The practices for ensuring that key staff and personnel who participate in and support a consultation understand the laws and policies governing consultation with tribal governments, the topics of the regulatory policy or action under consideration, issues the policy or action may raise for tribal communities, and the various positions of tribal government attendees;

h. The procedures the agency will use to communicate to tribal officials how the agency used their input; and

i. The procedures for keeping records of consultative activities, including documenting the status or outcome of each matter on which consultation occurred (see Paragraph 11) and responding to tribal requests that sensitive information be kept confidential.

7. Agencies should develop, make publicly available, and periodically update consultation web pages that provide easy access to:

a. The consultation policy described in Paragraph 6;

b. Contact information for the agency's designated tribal consultation official; and

c. Upcoming, ongoing, and recent consultation activities.

Procedures for Consultation

8. Agencies should ensure that their designated federalism consultation official and designated tribal consultation official communicate regularly with each other, as appropriate.

9. When agencies develop regulatory policies or take actions that may have federalism or tribal implications, they generally should consult with state, local, and tribal officials as early as feasible in the decision-making process, consistent with available resources and any need to act expeditiously. In the context of rulemaking, consultation normally should precede the issuance of a notice of proposed rulemaking. In other contexts—including the development of general policy statements, interpretive rules, other forms of guidance, and issuance of permits or licenses—consultation should occur early enough to ensure meaningful dialogue.

10. Consistent with Recommendation 2014–4, ''*Ex Parte*'' *Communications in Informal Rulemaking,* agencies should consult with state, local, and tribal officials on an ongoing basis throughout the development, issuance, or implementation of a regulatory policy or action that has federalism or tribal implications. In determining whether to have subsequent consultations following an initial consultation, agencies should consider whether:

a. The circumstances have changed materially since the initial consultation;

b. Significant issues or points of disagreement remain unresolved;

c. The proposed regulatory policy or action is complex or likely to be controversial;

d. A significant amount of time has elapsed such that the information collected during the initial consultation may be outdated;

e. Circumstances were such that prior consultations were not as effective as they could have been;

f. The potential benefits of subsequent consultation merit the commitment of scarce agency resources; and

g. Any need for the agency to act expeditiously, such as in the case of an emergency or when Congress has imposed a statutory deadline by which the agency must promulgate a rule or take other action.

11. When agencies propose or adopt regulations that have federalism or tribal implications, they should include the following information in the preamble to such regulations, unless precluded by laws governing confidentiality:

a. Which state, local, or tribal officials the agency contacted to solicit input as to whether a given regulatory policy or action may have federalism or tribal implications;

b. When such state, local, or tribal officials were contacted; and

c. What questions the agency asked such state, local, or tribal officials to ascertain whether a proposed regulatory policy or action would have federalism or tribal implications—and, if so, what implications—with respect to, among other things, budgetary considerations, effectiveness, and implementation.

12. Agencies should conduct consultations in such a way that they are accessible to the officials whom state, local, or tribal governments select to participate. When feasible and appropriate, agencies should utilize technology as a means to expand access to consultations for state, local, and tribal officials.

Oversight of the Consultation Process

13. Agencies periodically should review consultations and assess their effectiveness, efficiency, and compliance with applicable laws and policies. Agencies should assign the responsibility for review to the federalism consultation official or tribal consultation official, as applicable, or to a dedicated agency working group.

14. In light of its past recognition of the need for a tribal advisor, the Office of Management and Budget (OMB) should consider establishing a tribal advisor, as well as a federalism advisor, to advise the Director of OMB regarding agency consultation activities and promote effective consultation practices.

15. OMB should issue guidance that encourages agencies to adopt the best practices identified in this Recommendation for consulting with state, local, and tribal governments in regulatory policymaking and implementation. OMB should develop such guidance in consultation with such governments.

Considerations for Congress

16. In order to facilitate efficiency among agencies and to reduce potential costs, Congress should consider identifying the appropriate agency or agencies that would develop and make publicly available:

a. Lists of representative national organizations of state and local and tribal governments that agencies should contact respecting consultations;

b. Centralized websites where state, local, and tribal governments can learn about opportunities to consult with federal agencies.

17. Congress, in considering future amendments to the Freedom of Information Act (5 U.S.C. 552(b)), should include protecting certain information deemed sensitive by tribal governments and afford agencies discretion to safeguard information shared during tribal consultations.

Administrative Conference Recommendation 2025–3

Public Participation in Agency Adjudication

Adopted June 12, 2025

Public participation can improve the quality, legitimacy, and accountability of agency decision making.[1] The Administrative Conference has issued many recommendations to improve public participation in agency rulemaking, but agency adjudications likewise present opportunities for public participation.[2] For purposes of this Recommendation, ''adjudication'' has the same broad meaning as used in the Administrative Procedure Act (APA)[3] and thus includes frontline decisions about whether to grant or deny applications and policy implementation decisions that do not resolve disputes between the government and a private party or between two private parties (*e.g.,* agency determinations on public infrastructure projects).[4]

When agencies use adjudication to make policy, members of the public may offer information or views that can help agencies make more informed decisions. Public input can help improve the quality of adjudicative decisions by identifying problems that an agency has not anticipated, proposing solutions it has not considered, and identifying unintended consequences of

[1] *See* Michael Sant'Ambrogio & Glen Staszewski, Public Engagement with Agency Rulemaking 9–16 (Nov. 19, 2018) (report to the Admin. Conf. of the U.S.); *see also* Admin. Conf. of the U.S., Recommendation 2023–2, *Virtual Public Engagement in Agency Rulemaking,* 88 FR 42680 (July 3, 2023).

[2] *See Public Participation,* Admin. Conf. of the U.S., *https://acus.gov/public-participation* (last visited Mar. 4, 2025).

[3] ''Adjudication,'' as defined by the APA, means any agency process for the formulation of an ''order''—that is, a ''final disposition . . . of an agency in a matter other than rulemaking but including licensing.'' 5 U.S.C. 551.

[4] *Cf.* Michael Asimow, Admin. Conf. of the U.S., Federal Administrative Adjudication Outside the Administrative Procedure Act 8–11 (2019).

certain actions.[5] In addition, agency adjudicative decisions may affect the interests of, or otherwise be of concern to, persons who are not parties to the adjudication. By allowing the public opportunities to participate in administrative adjudications, agencies can gather more comprehensive information, enhance the legitimacy and accountability of their decisions, and increase public support for and confidence in their actions.

Just as in rulemaking, the APA permits ''interested persons'' to participate in agency adjudications ''[s]o far as the orderly conduct of public business permits.''[6] Many agencies offer opportunities for members of the public to participate in adjudications. These opportunities often take the form of intervention, amicus participation, and public notice and comment.[7] There may also be opportunities for broader and more innovative forms of public engagement—such as listening sessions, targeted outreach, and the use of advisory committees—particularly during early stages or informal levels of adjudicative processes.

Because agency adjudications vary significantly, agencies must consider their own circumstances in determining whether to provide opportunities for public participation in their adjudications. As a general matter, agencies must consider whether public input would be of value in deciding legal, policy, and factual questions that come before them for adjudication. To ensure that relevant interests and views are considered, public participation may be especially useful in agency adjudications that are influenced significantly by legislative facts (*i.e.,* those of general relevance) and involve or may substantially affect the broader public or persons beyond the parties.[8] This category of adjudication includes, for example, grants or denials of permission, such as rulings on applications for permits, licenses, or waivers, as well as discretionary policy determinations regarding specific public projects, such as the selection of the route for an interstate highway.[9]

In contrast, public participation is generally unnecessary when the parties themselves can provide all the relevant information and views, because the agency will have what it needs to make an accurate and informed decision.[10] This is especially true in adjudications that are significantly influenced by adjudicative facts (*i.e.,* those specific to the parties), which tend not to affect the interests of nonparties and usually involve disputes between only two parties.[11] This category of adjudication includes the resolution of routine claims or disputes, such as enforcement actions and benefits determinations. Even in this category of adjudication, however, public participation may be useful when an adjudication may establish precedent or policy, or require complex scientific or technical determinations.[12]

Even when public input may be valuable, agencies must consider when and how to provide opportunities for participation by interested persons beyond the parties. Not all methods for public participation will be appropriate in all circumstances. For example, agency adjudications are often structured as multilevel proceedings (*e.g.,* initial level, hearing level, appellate review level), and methods for public participation that may work well at one level may not be appropriate at other levels. In addition, prohibitions on ex parte contacts (common in hearing-level and appellate proceedings) and limitations on the admission of new evidence (common in appellate proceedings) may restrict the range of options for public participation at particular levels of adjudication.

Agencies may also find it is necessary to restrict participation to interested persons who have a direct stake in a particular adjudication. Although it may be beneficial in some adjudications to invite participation by the general public, in other adjudications, allowing participation beyond a limited set of interested persons may be repetitious, unduly complicate or delay the proceeding, require the unnecessary expenditure of resources by the agency or private parties, violate statutory confidentiality requirements, or adversely affect the rights or interests of private parties.[13] In addition, there may be good reasons to restrict participation—not to mention public access more broadly—in adjudications that involve sensitive interests or information.[14]

The Conference previously addressed public participation in agency adjudication in Recommendation 71–6, *Public Participation in Administrative Hearings,* and recommended that public participation, specifically through intervention, be freely allowed in trial-type, on-the-record adjudicative proceedings when agency action is likely to affect the interests of persons who are not parties to the proceedings.[15] More recently, the Conference has recommended that agencies consider soliciting amicus briefs or public comments when ''they expect to designate a decision as precedential, particularly in cases of significance or high interest,''[16] and provide agency heads with the discretion to solicit arguments from interested members of the public when deciding a novel or important question of law, policy, or discretion.[17]

This Recommendation expands on the Conference's previous recommendations by identifying best practices for public participation in agency adjudications in light of technological advancements and evolving methods for participating in agency decision making. In doing so, the Conference recognizes and emphasizes that agency practices must give due regard to the rights of the private parties in an adjudication—especially in regulatory enforcement proceedings—under the Constitution, the APA and other statutes, and basic principles of administrative fairness.

Recommendation

Opportunities for Public Participation in Agency Adjudication

1. When appropriate, considering the variations in purpose, complexity, governing law, and degree of public interest in administrative adjudications, agencies should provide opportunities for public participation in their adjudications. This is particularly true when doing so would allow members of the public to protect affected interests or present information or views that are relevant and not otherwise represented in the adjudication, unless the agency reasonably determines that public participation would unduly complicate or delay the adjudication.

2. Agencies generally should allow and encourage public participation in agency adjudications that are significantly influenced by legislative facts (*i.e.,* those of general relevance) as opposed to adjudicative facts (*i.e.,* those specific to the parties) and have the potential to substantially affect the broader public or persons beyond the parties.

3. When agencies provide opportunities for public participation in adjudications, they should do so early in the adjudicative process, especially when adjudications involve grants or denials of permission or other discretionary determinations involving large-scale public projects, to streamline the decision-making process while simultaneously ensuring that relevant interests and views are considered.

Methods for Facilitating Public Participation in Agency Adjudication

4. When adjudications may establish precedents or make important policy decisions in the resolution of routine claims or disputes, agencies should consider allowing interested persons to intervene as parties or submit amicus briefs. In developing or revising rules governing who may participate as an intervenor in a proceeding, agencies should use the factors listed in Recommendation 71–6, *Public Participation in Administrative Hearings,* such as the nature of the contested issues, the precise interest of the nonparties and their ability to present relevant information or views not otherwise or adequately represented in the adjudication, and the effect of public participation on the agency's operations.

[5] Michael Sant'Ambrogio & Glen Staszewski, Public Participation in Agency Adjudication 6 (May 16, 2025) (report to the Admin. Conf. of the U.S.).

[6] 5 U.S.C. 555(b).

[7] Sant'Ambrogio & Staszewski, *supra* note 5, at 14–18.

[8] *Id.* at 32–33.

[9] *See Citizens to Pres. Overton Park* v. *Volpe,* 401 U.S. 402 (1971); Asimow, *supra* note 4, at 9–10.

[10] Sant'Ambrogio & Staszewski, *supra* note 5, at 7–8.

[11] *See* Admin. Conf. of the U.S., Recommendation 2020–3, *Agency Appellate Systems,* 86 FR 6618 (Jan. 22, 2021).

[12] *See* Admin. Conf. of the U.S., Recommendation 2024–3, *Senate-Confirmed Officials and Administrative Adjudication,* 89 FR 56276 (July 9, 2024); Recommendation 2020–3, *supra* note 11.

[13] Admin. Conf. of the U.S., Recommendation 71–6, *Public Participation in Administrative Hearings,* 38 FR 19789 (July 23, 1973).

[14] *Cf.* Admin. Conf. of the U.S., Recommendation 2021–6, *Public Access to Agency Adjudicative Proceedings,* 87 FR 1715 (Jan. 12, 2022).

[15] Recommendation 71–6, *supra* note 13.

[16] Admin. Conf. of the U.S., Recommendation 2022–4, *Precedential Decision Making in Agency Adjudication,* 88 FR 2312 (Jan. 13, 2023).

[17] Recommendation 2024–3, *supra* note 12.

5. When adjudications involve unusually complex or novel issues of law, fact, or discretion, agencies should develop mechanisms for intervention or amicus participation when doing so would be helpful to resolve the individual case or set agency-wide policy.

6. When adjudicating questions involving grants or denials of permission, such as permit applications, or nonadversarial discretionary policy matters involving, among other things, specific public projects, agencies should solicit public input by, for example:

a. Hosting public forums available through different media;

b. Convening focus groups;

c. Issuing requests for information in the **Federal Register**;

d. Conducting targeted outreach to facilitate opportunities for meeting with interested and potentially affected persons;

e. Using ombuds; and

f. Holding virtual or hybrid public meetings, hearings, and listening sessions with interested members of the public.

7. Agencies should determine whether there are opportunities for broader and more innovative forms of public engagement in their adjudicative processes that involve interactive discussion and ongoing dialogue between agencies and interested members of the public. For example, in appropriate circumstances, agencies should consider establishing procedures that provide opportunities for public participation by interested or affected persons prior to the filing of applications for grants or denials of permission, such as permit applications. Such enhanced forms of public participation may also be useful when adjudicating discretionary policy determinations regarding important public projects.

Communication and Transparency

8. Agencies should publicize administrative adjudications that may affect members of the public, alert potentially affected persons that their interests may be at stake, and provide advance notice of available opportunities to participate in adjudications to interested members of the public through means that are likely to reach them, including, for example:

a. Social media posts;

b. Email alerts;

c. Press releases;

d. **Federal Register** notices;

e. Direct mailings and advertisements in the area where the affected public is located;

f. Targeted outreach to groups that are likely to be interested in and able to represent otherwise unrepresented interests and views; and

g. Coordination with other federal agencies; state, local, and tribal governments; and community-based organizations and businesses, trade and professional associations, advocacy groups, and other nongovernmental organizations that can help distribute and publicize information about administrative adjudications and available opportunities to participate to interested or potentially affected members of the public.

9. Agencies should establish and make available to the public procedural rules and general policies for public participation that address their practices for involving members of the public in their adjudications.

10. Agencies should maintain dedicated web pages that include: (a) explanatory materials that educate the public on how to participate effectively in administrative adjudications, and (b) information in plain language about opportunities for interested members of the public to participate in specific adjudications.

11. As appropriate and subject to available resources, agencies should provide the public with access to electronic dockets for individual cases that contain comprehensive information about all filings and decisions, as well as relevant public input, public comments, and reports or recommendations from federal advisory committees.

Data Collection and Retrospective Review

12. Agencies should solicit and collect feedback and suggestions from members of the public who have participated in their adjudications, as well as agency adjudicators and staff, about their experiences. Subject to the Paperwork Reduction Act and any other legal requirements, agencies should consider using surveys, focus groups, listening sessions and other meetings, and online feedback forms and complaint portals. Agencies also should consider consulting with nongovernmental organizations, advocacy groups, and other private sector representatives who assist members of the public to obtain this information.

13. Agencies should periodically evaluate the effectiveness of their rules and policies addressing public participation in their adjudications, consider feedback from public participants and agency adjudicators and staff, and revise their rules and policies as appropriate.

[FR Doc. 2025–11862 Filed 6–26–25; 8:45 am]

BILLING CODE 6110–01–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request; Reinstatement

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and reinstatement under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) 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; (2) the accuracy of the agency's estimate of burden 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.

Comments regarding these information collections are best assured of having their full effect if received by July 28, 2025. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service (NASS)

Title: Organic Survey.

OMB Control Number: 0535–0249.

Summary of Collection: The primary objective of the National Agricultural Statistics Service (NASS) is to prepare and issue State and national estimates of crop and livestock production, prices, and disposition as well as economic statistics, farm numbers, land values, on-farm pesticide usage, pest crop management practices, as well as the Census of Agriculture. Originally, the Organic Survey was designed to be conducted once every five years as a mandatory follow-on-survey to the 2007 Census of Agriculture and then every five years after that.

Need and Use of the Information: This collection of data will support requirements within the Agricultural Act of 2014. Under Section 11023 some of the duties of the Federal Crop Insurance Corporation (FCIC) are defined as ''(i) IN GENERAL—As soon as possible, but not later than the 2015 reinsurance year, the Corporation shall offer producers of organic crops price elections for all organic crops produced in compliance with standards issued by the Department of Agriculture under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 *et seq.*) that reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as

determined by the Secretary using all relevant sources of information.

Description of Respondents: Farmers and Ranchers.

Number of Respondents: 27,000.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 18,727.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2025–11963 Filed 6–26–25; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2024–0040]

Notice of Availability of an Environmental Assessment for Field Release of Aceria salsolae (Acari: Eriophyidae), a Mite for Biological Control of Russian Thistle (Salsola tragus), in the Contiguous United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a revised draft environmental assessment relative to permitting the release of the blister mite, *Aceria salsolae* De Lillo and Sobhian (Acari: Eriophyidae), for the biological control of Russian thistle (*Salsola tragus* L.) within the contiguous United States. Based on the revised draft environmental assessment and other relevant data, we have reached a preliminary determination that the release of this control agent within the contiguous United States will not have a significant impact on the quality of the human environment. We are making the revised draft environmental assessment available to the public for review and comment.

DATES: We will consider all comments that we receive on or before July 28, 2025.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2024–0040 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2024–0040, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave., #AP760, Beltsville, MD 20705.

Supporting documents and any comments we receive on this docket may be viewed at *regulations.gov* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Ms. Kirsten Dyer, Agriculturist, Pests, Pathogens and Biocontrol Permitting, Pest Exclusion and Import Programs, PPQ, APHIS, 5601 Sunnyside Ave., Beltsville, MD 20705; (352) 554–0556; email: *Kirsten.Dyer@usda.gov.*

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) is proposing to issue permits for the release of the blister mite, *Aceria salsolae* De Lillo and Sobhian (Acari: Eriophyidae), for the biological control of Russian thistle (*Salsola tragus* L.) within the contiguous United States. The action is proposed to reduce the severity of infestations of Russian thistle in the central and western United States.

Russian thistle, or tumbleweed, is an alien weedy annual plant that infests about 41.3 million hectares (100 million acres) in the western United States. It is native to the mountainous regions of southwest Asia and was accidentally first introduced in the early 1870s in South Dakota. Since then, it has spread over most of the central and western United States and southern Canada. It grows primarily in fallow or disturbed soil, along roadsides and irrigation canals, and in waste areas in arid and semiarid zones. Russian thistle is listed as a noxious weed in five states and causes millions of dollars in damage by disrupting automobile traffic, clogging irrigation canals, displacing native plant species, providing habitat to insect pests of many fruits and vegetables, and is highly flammable, contributing to a rapid spread of wildfires.

Permitting the release of *A. salsolae* in the contiguous United States is necessary to help control invasive Russian thistle. *A. salsolae* is a recently discovered eriophyid mite species, which are usually extremely host specific and therefore generally pose low risk to nontarget plants, making them a likely candidate for classical biological control of weeds. *A. salsolae* has been reported only from *S. tragus* and is the only eriophyid mite collected from these plants. *A. salsolae* causes severe damage to the plant by feeding on epidermal cells in the meristematic tissue, stunting growth and preventing development of branches and flowers needed for reproduction. Host-specificity testing indicates *A. salsolae* is unlikely to attack non-target species.

Russian thistle is very difficult to control as current chemical, mechanical, and cultural controls are not effective against this widespread weed. However, Russian thistle is an excellent target for biological control as it has no close taxonomic relatives in North America. Classical biological control is a potentially useful management strategy for an invasive pest species whenever effective resident natural enemies are lacking in the new distribution range.

On March 10, 2009, APHIS published a draft EA [1] in the **Federal Register** (74 FR 10223–10224, Docket No. APHIS–2008–0143) concluding that after reviewing host specific testing of 39 species and 12 varieties of host plants from 5 families, including 25 native species of North America, *A. salsolae* was not expected to directly harm any plants outside of the targeted Russian thistle and there was no population increase of *A. salsolae* on nontarget plant species. The draft EA was made available in the **Federal Register** for a 30-day comment period. However, because of comments APHIS received on the EA, a finding of no significant impact (FONSI) and, subsequently, permits allowing the environmental release of *A. salsolae* were never issued. Since that time, additional research has been conducted providing new host specificity information that enabled APHIS to strengthen its support for the release of *A. salsolae* within the contiguous United States for classical biological control of Russian thistle. Due to this additional research, we revised the prior EA and have decided to make the revised draft EA available to the public for a second round of public comments. APHIS' review and analysis of the potential environmental impacts associated with the proposed release are documented in the revised draft environmental assessment (EA) titled ''Field release of *Aceria salsolae* (Acari: Eriophyidae), a Mite for Biological Control of Russian Thistle (*Salsola tragus*), in the Contiguous United States'' (March 2025). Based on our findings in the revised draft EA, we are proposing to issue permits for the release of the mite, *A. salsolae,* as a biological control agent to reduce the

[1] To view the notice, supporting documents, and the comments we received, go to *http://www.regulations.gov* and enter APHIS–2008–0143 in the Search field.

severity of infestations of Russian thistle. We are making the revised draft EA available to the public for review and comment. We will consider all comments that we receive on or before the date listed under the heading **DATES** at the beginning of this notice.

The revised draft EA may be viewed on the *regulations.gov* website or in our reading room (see **ADDRESSES** above for a link to *regulations.gov* and information on the location and hours of the reading room). You may also request paper copies of the revised draft EA by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the title of the draft EA when requesting copies.

The revised draft EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) U.S. Department of Agriculture regulations implementing NEPA (7 CFR part 1b); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 23rd day of June 2025.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2025–11891 Filed 6–26–25; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

West Virginia Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The West Virginia Resource Advisory Committee (RAC) will hold a public meeting according to the details shown below. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act (FACA). The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act, as well as make recommendations on recreation fee proposals for sites on the Monongahela National Forest within Greenbrier, Pocahontas, Randolph, Tucker, and Webster Counties, consistent with the Federal Lands Recreation Enhancement Act.

DATES: An in-person and virtual meeting will be held on Monday July 14, 2025, from 10 a.m. to 3 p.m. eastern daylight time, Thursday July 17, 2025, from 10 a.m. to 3 p.m. eastern daylight time, and Thursday July 31, 2025, from 10 a.m. to 3 p.m. eastern daylight time.

Written and Oral Comments: Anyone wishing to provide in-person or virtual oral comments must pre-register by 11:59 p.m. eastern daylight time on July 9, 2025. Written public comments will be accepted by 11:59 p.m. eastern daylight time on July 9, 2025 (for July 14th and July 17th meetings). For the July 31st meeting, anyone wishing to provide in-person or virtual oral comments must pre-register by 11:59 p.m. eastern daylight time on July 26, 2025. Written public comments will be accepted by 11:59 p.m. eastern daylight time on July 26, 2025. Comments submitted after these dates will be provided to the Agency, but the Committee may not have adequate time to consider those comments prior to the meeting.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: This meeting will be held in-person and virtually at the Monongahela National Forest Headquarters Building, First Floor Conference Room, located at 200 Sycamore Street, Elkins, West Virginia 26241. RAC information and meeting details can be found at the following website: *https://www.fs.usda.gov/main/mnf/workingtogether/advisorycommittees* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to *kristopher.hennig@usda.gov* or via mail (*i.e.,* postmarked) to Kristopher Hennig, 200 Sycamore Street, Elkins, West Virginia 26241. The Forest Service strongly prefers comments to be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. eastern daylight time on July 10, 2025 (for meetings July 14th and July 17th) and speakers can only register for one speaking slot. Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. eastern daylight time on July 26, 2025 (for July 31st meeting) and speakers can only register for one speaking slot. Oral comments must be sent by email to *Kristopher.Hennig@usda.gov* or via mail (*i.e.,* postmarked) to Kristopher Hennig, 200 Sycamore Street, Elkins, West Virgina 26241.

FOR FURTHER INFORMATION CONTACT: Cindy Sandeno, Designated Federal Officer (DFO), by phone at (304) 635–4482 or email at *Cynthia.Sandeno@usda.gov* or Kristopher Hennig, RAC Coordinator at (304) 635–4475 or email at *Kristopher.Hennig@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Elect a Chairperson and Co-Chair;
2. Recommend a proportion of Title II funds for RAC administrative purposes;
3. Hear from Title II project proponents and discuss Title II project proposals;
4. Make funding recommendations on Title II projects;
5. Approve meeting minutes; and
6. Conduct other business as needed.

The agenda will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least three days prior to the meeting date to be scheduled on the agenda. Written comments may be submitted to the Forest Service up to 14 days after the meeting date listed under **DATES**.

Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, by or before the deadline, for all questions related to the meeting. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

Meeting Accommodations: The meeting location is compliant with the Americans with Disabilities Act, and the USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpretation, assistive listening devices, or other reasonable accommodation to the person listed under the **FOR FURTHER INFORMATION CONTACT** section or contact USDA's TARGET Center at (202) 720–2600 (voice and TTY) or USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

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

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

Dated: May 29, 2025.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2025–10094 Filed 6–26–25; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Colorado Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Notice of public meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Colorado Advisory Committee (Committee) to the U.S. Commission on Civil Rights will convene a virtual briefing examining antisemitism at University of Colorado at Denver, Community College of Denver and Metropolitan State University of Denver on July 16, 2025 at 2:00–4:00 p.m. MT. Additionally, the Committee will convene on July 31, 2025 at 2:00–3:00 p.m. MT for the purpose of debriefing testimony and planning for a third briefing.

DATES:

Wednesday, July 16, 2025, at 2:00 p.m. Mountain Time.

Thursday, July 31, 2025, at 2:00 p.m. Mountain Time.

ADDRESSES: The meetings will be held via Zoom.

7/16/25 Briefing Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_diOnbRWtRwOynoNxfDhLmA.

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Meeting ID: 160 700 7541 #.

7/31/25 Meeting Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_n1RhVQ2WR-Kpm9gKxoTv_Q.

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Meeting ID: 160 859 1704 #.

FOR FURTHER INFORMATION CONTACT: Ana Fortes, Designated Federal Official, at *afortes@usccr.gov.* or by phone at 202–681–0857.

SUPPLEMENTARY INFORMATION: Any interested member of the public may attend the meetings via the links above. Before adjourning the meetings, the committee chair will announce that any member of the public may make a brief oral statement, as time allows. Per the Federal Advisory Committee Act, public minutes of meetings will include a list of persons who are present at meetings. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the meeting platform. To request additional accommodations, please email *ebohor@usccr.gov* at least 10 business days prior to each meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following scheduled meetings. Written comments may be emailed to Evelyn Bohor at *ebohor@usccr.gov;* please include Colorado Committee in the subject line of the transmitting email. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–312–353–8311.

Records generated from these meetings may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after each meeting. Records of the meetings will be available via the file sharing website: *https://usccr.box.com/s/aq52obvbs8uhkx2a0198po94elwbf2vl.* Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *ebohor@usccr.gov.*

Agenda

July 16, 2025

I. Welcome and Roll Call
II. Panel Presentations
III. Q & A
IV. Public Comment
V. Adjournment

Agenda

July 31, 2025

I. Welcome and Roll Call
II. Debrief Testimony
III. Plan August 20, 2025 Briefing
IV. Plan Future Briefing
V. Public Comment
VI. Adjournment

Dated: June 25, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025–11952 Filed 6–26–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Current Population Survey (CPS) Basic Demographic Items

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of information collection, request for comment.

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

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 26, 2025.

ADDRESSES: Interested persons are invited to submit written comments by email to Kyra Linse, Survey Director, Current Population Surveys at *dsd.cps@census.gov.* Please reference Current Population Survey (CPS) Basic Demographic Items in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2025–0009, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has

closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Kyra Linse, Survey Director, Current Population Surveys via email at *dsd.cps@census.gov,* or by phone at 301–763–9280.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request clearance from the Office of Management and Budget (OMB) for the collection of basic demographic information on the Current Population Survey (CPS) beginning in November 2025. The current clearance expires October 31, 2025.

The CPS has been the source of official government statistics on employment and unemployment since 1942. The Bureau of Labor Statistics (BLS) and the Census Bureau jointly sponsor the basic monthly survey. The Census Bureau also prepares and conducts all the field work. At the OMB's request, the Census Bureau and the BLS divide the clearance request in order to reflect the joint sponsorship and funding of the CPS program. BLS submits a separate clearance request for the portion of the CPS that collects labor force information for the civilian noninstitutional population. Some of the information within that portion includes employment status, number of hours worked, job search activities, earnings, duration of unemployment, and the industry and occupation classification of the job held the previous week. The justification that follows is in support of the demographic data.

The demographic information collected in the CPS provides a unique set of data on selected characteristics for the civilian noninstitutional population. Some of the demographic information we collect are age, marital status, sex, Armed Forces status, education, race, origin, and family income. We use these data in conjunction with other data, particularly the monthly labor force data, as well as periodic supplement data. We also use these data independently for internal analytic research and for evaluation of other surveys. In addition, we use these data as a control to produce accurate estimates of other personal characteristics.

The Census Bureau, in conjunction with the Bureau of Labor Statistics (BLS), is conducting an experimental collection in the Current Population Survey (CPS) of Race and Ethnicity information using the new SPD15 standard. The main goal of the study is to assess the effect of the new race and ethnicity standard (2024 SPD15) on estimates obtained from the CPS. The study will also aid in the implementation of the new standard for interviewer-administered data collections (both in-person and by phone). The study will examine the impact of differences in reporting using the new 2024 standard and the 1997 standard (which CPS currently is using) on race distributions, labor force estimates, weighting, and missing data.

In July 2025, CPS began collecting race and ethnicity information using the 2024 SPD15 questions in rotations 2 through 8 to get a full representation for the initial analysis. From August 2025 onward, collection of race and ethnicity information will occur for every household in rotation 2 until the 2024 SPD15 based questions are fully implemented in the CPS. This will help reduce question-bias by not asking race in the same interview. To reduce respondent burden and to avoid introducing complexity to the production instrument, replacement households and new persons will not be asked 2024 SPD 15 questions. In addition, in August 2025 only, we plan to re-ask the 2024 SPD15 based questions for households in rotation 3 to analyze the consistency of reported races using the 2024 SPD 15 questions (as data using the 2024 SPD questions will be collected in both July 2025 and August 2025).

II. Method of Collection

The CPS basic demographic information is collected from individual households by both personal visit and telephone interviews each month. All interviews are conducted using computer-assisted interviewing. Households in the CPS are in sample for four consecutive months, and for the same four months the following year. This is called a 4–8–4 rotation pattern; households are in sample for four months, in a resting period for eight months, and then in sample again for four months.

III. Data

OMB Control Number: 0607–0049.

Form Number(s): There are no forms. All interviews are conducted on computers.

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

Affected Public: Households.

Estimated Number of Respondents: 59,000 per month.

Estimated Time per Response: 1.5 minutes.

Estimated Total Annual Burden Hours: 17,700.

Estimated Total Annual Cost to Public: There is no cost to the respondents other than their time (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. 8(b), 141, and 182.

IV. Request for Comments

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

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2025–11855 Filed 6–26–25; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Survey of Construction: Questionnaire for Building Permit Official

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of information collection, request for comment.

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

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 26, 2025.

ADDRESSES: Interested persons are invited to submit written comments by email to *Thomas.J.Smith@census.gov.* Please reference the Survey of Construction: Questionnaire for Building Permit Official in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2025–0010, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to William Abriatis, Chief, Residential Construction Branch, Economic Indicators Division, 301–763–3686, and *William.M.Abriatis@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau plans to request a three-year extension of the current Office of Management and Budget (OMB) clearance of the Questionnaire for Building Permit Official (SOC-QBPO). The Census Bureau uses the Computer-Assisted Personal Interviewing (CAPI) electronic questionnaire SOC-QBPO to collect information from state and local building permit officials on: (1) the types of residential permits they issue, (2) the length of time a permit is valid, (3) how they store permits, and (4) the geographic coverage of the permit system. We need this information to carry out the sampling for the Survey of Housing Starts, Sales, and Completions (OMB number 0607–0110), also known as Survey of Construction (SOC). The SOC provides widely used measures of construction activity, including the Principal Economic Indicators: New Residential Construction, and New Residential Sales.

The current OMB clearance is scheduled to expire on January 31, 2026. We will continue to use the current CAPI questionnaire. The overall length of the interview will not change, and the sample size will remain the same.

II. Method of Collection

The Census Bureau uses its field representatives to obtain information on the operating procedures of a permit office using the SOC-QBPO. The field representative visits the permit office, conducts interviews with office staff, and completes this electronic form.

III. Data

OMB Control Number: 0607–0125.

Form Number(s): SOC-QBPO.

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

Affected Public: State and local Government.

Estimated Number of Respondents: 1,000.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 250.

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

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. 131 and 182.

IV. Request for Comments

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

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2025–11857 Filed 6–26–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Guidance on Referrals for Potential Criminal Enforcement

ACTION: Notice.

SUMMARY: This Notice describes the Department of Commerce's (the ''DOC's'') plans to address criminally liable regulatory offenses under the May 9, 2025, Executive Order on Fighting Overcriminalization in Federal Regulations.

FOR FURTHER INFORMATION CONTACT: George Leing (*gleing1@doc.gov*), (202) 482–1395, Senior Counsel, Department of Commerce, Office of the General Counsel.

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 E.O., 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 DOC advises the public that by May 9, 2026, the DOC, 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 DOC 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 DOC is deciding whether to refer alleged violations of criminal regulatory offenses to DOJ, officers and employees of the DOC 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.

[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).

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.

Dated: June 24, 2025.

George Leing,

Senior Counsel, Office of the General Counsel, Department of Commerce.

[FR Doc. 2025–11860 Filed 6–26–25; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–6–2025]

Foreign-Trade Zone (FTZ) 7; Authorization of Production Activity; Lilly del Caribe, Inc.; (Pharmaceutical Products); Carolina, Puerto Rico

On January 30, 2025, Lilly del Caribe, Inc. submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 7K, in Carolina, Puerto Rico.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (90 FR 9410, February 12, 2025). On June 20, 2025, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including section 400.14.

Dated: June 20, 2025.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2025–11909 Filed 6–26–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–2–2025]

Foreign-Trade Zone (FTZ) 49; Authorization of Production Activity; Merck, Sharp & Dohme LLC; (Pharmaceutical Products for Research and Development); Rahway, New Jersey

On January 3, 2025, Merck, Sharp & Dohme LLC submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 49Y, in Rahway, New Jersey.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (90 FR 3173, January 14, 2025). On June 20, 2025, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including section 400.14.

Dated: June 20, 2025.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2025–11910 Filed 6–26–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–885, A–570–097, C–570–098, C–533–886]

Polyester Textured Yarn From the People's Republic of China and India: Continuation of Antidumping Duty and Countervailing Duty Orders

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) and countervailing duty (CVD) orders on polyester textured yarn from the People's Republic of China (China) and India 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 24, 2025.

FOR FURTHER INFORMATION CONTACT: David De Falco, 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) 482–2178.

SUPPLEMENTARY INFORMATION:

Background

On January 10, 2020, Commerce published in the **Federal Register** the AD and CVD orders on polyester

textured yarn from China and India.[1] On December 2, 2024, the ITC instituted,[2] and Commerce initiated,[3] the first sunset review 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 24, 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]

Scope of the Orders

The merchandise covered by these *Orders,* polyester textured yarn, is synthetic multifilament yarn that is manufactured from polyester (polyethylene terephthalate). Polyester textured yarn is produced through a texturing process, which imparts special properties to the filaments of the yarn, including stretch, bulk, strength, moisture absorption, insulation, and the appearance of a natural fiber. This scope includes all forms of polyester textured yarn, regardless of surface texture or appearance, yarn density and thickness (as measured in denier), number of filaments, number of plies, finish (luster), cross section, color, dye method, texturing method, or packing method (such as spindles, tubes, or beams).

Excluded from the scope of these *Orders* is bulk continuous filament yarn that: (a) is polyester synthetic multifilament yarn; (b) has denier size ranges of 900 and above; (c) has turns per meter of 40 and above; and (d) has a maximum shrinkage of 2.5 percent.

The merchandise subject to these *Orders* is properly classified under subheadings 5402.33.3000 and 5402.33.6000 of the Harmonized Tariff Schedule of the United States (HTSUS). Merchandise subject to these *Orders* may also enter under HTSUS subheading 5402.52.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

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 24, 2025. 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).

Dated: June 24, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025–11912 Filed 6–26–25; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Polyester Textured Yarn from India and the People's Republic of China: Amended Final Antidumping Duty Determination for India and Antidumping Duty Orders,* 85 FR 1298 (January 10, 2020) (*India AD Order, China AD Order); see also Polyester Textured Yarn from the People's Republic of China and India: Countervailing Duty Orders,* 85 FR 1301 (January 10, 2020) (*China CVD Order* and *India CVD Order) (*collectively, *Orders).*

[2] *See Polyester Textured Yarn from China and India: Notice of Institution of Five-Year Reviews,* 89 FR 95230 (December 2, 2024).

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

[4] *See Polyester Textured Yarn from India and the People's Republic of China): Final Results of the Expedited First Sunset Review of the Antidumping Duty Orders,* 90 FR 14432 (April 2, 2025); *see also Polyester Textured Yarn From the People's Republic of China and India: Final Results of the Expedited First Sunset Reviews of the Countervailing Duty Orders,* 90 FR 14959, (April 7, 2025).

[5] *See Polyester Textured Yarn From China and India; Determinations,* 90 FR 26827 (June 24, 2025) (*ITC Final Determination*).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE906]

Endangered Species; File No. 28678

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Mariana Fuentes, Ph.D., Florida State University, 3263 Foley Drive, Tallahassee, FL 32309, has applied in due form for a permit to take green (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempii*), hawksbill (*Eretmochelys imbricata*), and loggerhead (*Caretta caretta*) sea turtles for purposes of scientific research.

DATES: Written comments must be received on or before July 28, 2025.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 28678 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 28678 in the subject line of the email comment.

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

FOR FURTHER INFORMATION CONTACT: Erin Markin, Ph.D., or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant proposes to continue research and monitoring to study the

spatiotemporal distribution, composition, foraging patterns, habitat use, movement, species segregation, and threats to sea turtles along the Gulf coast of Florida. Researchers would capture up to 232 green, 10 hawksbill, 115 Kemp's ridley, and 150 loggerhead sea turtles by hand, dip net, or strike net, annually. Researchers would perform the following procedures on sea turtles prior to their release: mark (temporary carapace, flipper tag, and passive integrated transponder tag), biologically sample (blood, scute, and skin), measure, weigh, photograph, and video. A subset of green, Kemp's ridley, and loggerhead sea turtles may receive one instrument attachment at a time. The permit is requested for 10 years.

Dated: June 24, 2025.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025–11892 Filed 6–26–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE978]

Endangered Species; File No. 29010

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the Caribbean Oceanic Restoration and Education Foundation (Responsible Party: Rebecca Gibbel, DVM), has applied in due form for a permit to take pillar coral (*Dendrogyra cylindrus*) for purposes of enhancement.

DATES: Written comments must be received on or before July 28, 2025.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 29010 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 29010 in the subject line of the email comment.

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

FOR FURTHER INFORMATION CONTACT: Erin Markin, Ph.D. or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant proposes to conduct response activities for pillar coral in the U.S. Virgin Islands (USVI). The objective of this project is to improve the survival of pillar coral by responding to incidents of damage or threats in the wild. Restoration practitioners would collect up to three colonies or parts of colonies annually. Colonies or fragments would be reattached or stabilized in the same location or at new locations within waters of the USVI. The permit is requested for 10 years.

Dated: June 24, 2025.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025–11890 Filed 6–26–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE874]

Marine Mammals; File No. 28912

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to Daniel Costa, Ph.D., University of California at Santa Cruz, 130 McAlister Way, Santa Cruz, CA 95060 to conduct research on California sea lions (*Zalophus californianus*).

ADDRESSES: The permit and related documents are available for review upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Sara Young or Shasta McClenahan, Ph.D., (301) 427–8401.

SUPPLEMENTARY INFORMATION: On March 18, 2025, notice was published in the **Federal Register** (90 FR 12525) that a request for a permit to conduct research on California sea lions had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The permit authorizes research on California sea lions throughout their range to investigate their foraging ecology, habitat use, and health. Research activities include: unmanned aircraft system, vessel and ground surveys for counts, photography, observations, and acoustic playbacks; captures, including sedation, anesthesia, restraint, morphometrics, marking, external instrument attachment, biological sampling, and ultrasound; and collection, import, export, and receipt of pinniped parts. Ten non-target species of non-ESA listed cetaceans and four non-target non-ESA listed species of pinnipeds may be disturbed during these studies. See the application for complete numbers of animals requested by species and procedure, including unintentional mortalities. The permit is valid until May 31, 2035.

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

Dated: June 16, 2025.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025–11844 Filed 6–26–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE851]

Determination of Overfishing or an Overfished Condition

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

ACTION: Notice.

SUMMARY: This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has found that

Atlantic blue marlin continues to be overfished. NMFS, on behalf of the Secretary, is required to provide this notice whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

FOR FURTHER INFORMATION CONTACT: Evelyn Strombom, (301)-427–8633.

SUPPLEMENTARY INFORMATION: Pursuant to section 304(e)(2) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1854(e)(2), NMFS, on behalf of the Secretary, must notify councils, and publish a notice in the **Federal Register**, whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

NMFS has determined that Atlantic blue marlin continues to be overfished. This determination is based on the most recent assessment completed in 2024, using data through 2022, and is consistent with the status determination criteria of both the domestic fishery management plan and the International Commission for the Conservation of Atlantic Tunas (ICCAT) Standing Committee on Research and Statistics. NMFS continues to work with ICCAT on measures contained in the rebuilding plan.

Dated: June 24, 2025.

Kelly Denit,

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

[FR Doc. 2025–11941 Filed 6–26–25; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER FINANCIAL PROTECTION BUREAU

Guidance on Referrals for Potential Criminal Enforcement

AGENCY: Consumer Financial Protection Bureau

ACTION: Policy statement

SUMMARY: The Consumer Financial Protection Bureau (CFPB or Bureau) is issuing this policy statement to describe its plan to address criminally liable regulatory offenses.

DATES: This policy statement is applicable on June 27, 2025.

FOR FURTHER INFORMATION CONTACT: Dave Gettler, Paralegal Specialist, Office of Regulations, at 202–435–7700. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Policy Statement

On May 9, 2025, the President issued Executive Order (''E.O.'') 14294, *Fighting Overcriminalization in Federal Regulations.*[1] 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. The E.O. defines a ''criminal regulatory offense'' as a ''Federal regulation that is enforceable by a criminal penalty.'' This policy statement constitutes the Bureau's plan to address criminally liable regulatory offenses.

The Bureau administers and civilly enforces Federal consumer financial law,[2] which includes the Consumer Financial Protection Act and several other statutes, such as the Truth in Lending Act, the Real Estate Settlement Procedures Act, and the Electronic Fund Transfer Act.[3] The Bureau has issued regulations under these laws, and some of those regulations are enforceable by a criminal penalty. For instance, ''whoever willfully and knowingly gives false or inaccurate information or fails to provide information which he is required to disclose under the [Truth in Lending Act] or any regulation issued thereunder . . . shall be fined not more than $5,000 or imprisoned not more than one year, or both.'' [4]

Where appropriate, the Bureau may refer alleged violations of these criminal regulatory offenses to the Department of Justice. For instance, in the course of an enforcement investigation, the Bureau may obtain credible evidence that a person has committed a criminal regulatory offense, and the Bureau may (where appropriate) refer such an offense to the Department of Justice.

In exercising discretion in making referrals of criminal regulatory offenses, Bureau officials will consider the following factors, among others:

- 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.

Consistent with the E.O., the Bureau also intends to take the following steps to address criminal regulatory offenses:

- The Bureau will provide within 365 days of the E.O. (and in consultation with the Attorney General), a report to the Director of the Office of Management and Budget (OMB) containing: (i) a list of all criminal regulatory offenses enforceable by the Bureau or the Department of Justice; and (ii) for each such criminal regulatory offense, the range of potential criminal penalties for a violation and the applicable mens rea standard for the criminal regulatory offense. The Bureau will simultaneously post this report on its web page and periodically (but not less than once a year) update the report.
- The Bureau will consider whether a criminal regulatory offense is included in this report when considering whether to make a criminal referral to the Department of Justice or, where applicable, to the Bureau's Inspector General.
- The Bureau will, in consultation with the Attorney General, examine the Bureau's statutory authorities and determine whether there is authority to adopt a background mens rea standard for criminal regulatory offenses that applies unless a specific regulation states an alternative mens rea. Within 30 days of the submission of the report described above, the Bureau, in consultation with the Attorney General, will submit a report to the Director of OMB summarizing the information submitted in the report described above and assessing whether the applicable mens rea standards for criminal regulatory offenses enforced by the agency are appropriate. If consistent with the statutory authorities identified pursuant to the review described above, the report will present a plan for changing the applicable mens rea standards and adopting a generally applicable background mens rea standard, and provide a justification for each criminal regulatory offense for which the Bureau proposes to deviate from its default mens rea standard.

[1] 90 FR 20363 (May 14, 2025).

[2] 12 U.S.C. 5511(a).

[3] 12 U.S.C. 5481(14).

[4] 15 U.S.C. 1611(a)(1); see also, *e.g.,* 15 U.S.C. 1693n(a)(1) (''Whoever knowingly and willingly gives false or inaccurate information or fails to provide information which he is required to disclose by [the Electronic Fund Transfer Act] or any regulation thereunder . . . shall be fined not more than $5,000 or imprisoned not more than one year, or both.''); 15 U.S.C. 1717 (''Any person who willfully violates any of the provisions of [the Interstate Land Sales Full Disclosure Act] or the rules and regulations prescribed pursuant thereto . . . shall upon conviction be fined not more than $10,000 or imprisoned not more than five years, or both.''); Regulation X, 12 CFR 1024.14(a) (implementing 12 U.S.C. 2607) (''Any violation of this section is a violation of [12 U.S.C. 2607],'' which, in turn, is punishable by a fine of ''not more than $10,000'' or imprisonment ''for not more than one year, or both'').

• In all future notices of proposed rulemaking (NPRMs) and final rules published in the **Federal Register**, the violation of which may constitute criminal regulatory offenses, the Bureau intends to include a statement identifying that the rule or proposed rule is a criminal regulatory offense and the authorizing statute. The Bureau will draft this statement in consultation with the Department of Justice. In addition, when formulating the regulatory text of Bureau NPRMs and final rules with criminal consequences that are published in the **Federal Register**, the Bureau intends to explicitly state a mens rea requirement for each element of a criminal regulatory offense, accompanied by citations to the relevant provisions of the authorizing statute.

II. Regulatory Matters

This is a general statement of policy under the Administrative Procedure Act.[5] It articulates considerations relevant to the Bureau's exercise of its authorities. It does not have the force and effect of law; it has no legally binding effect, including no legally binding effect on persons or entities outside the Federal government; it is not final agency action; and it may be rescinded or modified in the Bureau's complete discretion.

This action does not impose any new or revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act.[6]

Russell Vought,

Acting Director, Consumer Financial Protection Bureau.

[FR Doc. 2025–11982 Filed 6–26–25; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Feasibility Study and Environmental Impact Statement for the Harris County Flood Control District Solutions for Advancing Floodplain Evaluation and Resilience (SAFER) Initiative, Harris County, TX

AGENCY: Corps of Engineers, Department of the Army, DoD.

ACTION: Notice of intent to prepare a draft feasibility study and environmental impact statement for the SAFER Initiative, Harris County, TX.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, the U.S. Army Corps of Engineers, Galveston District (USACE) intends to prepare an Environmental Impact Statement (EIS) for the ''Solutions for Advancing Floodplain Evaluation and Resilience'' (SAFER) Initiative. The EIS would be prepared in association with a feasibility report prepared by a Non-Federal Interest (NFI)—the Harris County Flood Control District (Flood Control District) under authority granted by section 203 of Water Resources Development Act of 1986 (WRDA 1986) (Pub. L. 99–662). The study will identify and evaluate structural and nonstructural alternatives to reduce the risk of flooding across eleven watersheds. This notice announces the USACE's intent to determine the scope of the issues to be addressed and identify the significant environmental issues (*e.g.,* impacts to aquatic resources, terrestrial habitat, fisheries, etc.) related to the proposed action.

DATES: Public scoping comments should be submitted on or before September 25, 2025, electronically or mailed as written letters. A minimum of ten scoping meetings will be held from July to August 2025. Public scoping meeting details can be found at *theSAFERstudy.org.*

ADDRESSES: Submit all electronic public comments via email to: *comments@theSAFERstudy.org.* Written comments may be mailed to: ATTN: Mr. Danny Allen, 2000 Fort Point Road, Galveston, Texas, 77550.

FOR FURTHER INFORMATION CONTACT: Questions regarding the proposed Draft EIS can be addressed by contacting Mr. Danny Allen by phone at 512–461–6579, or by email at *Daniel.Allen@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. Authority. The SAFER initiative is authorized under Section 203 of WRDA 1986, (Pub. L. 99–662), as amended by Section 1014(a) of the Water Resources Reform and Development Act (WRRDA) of 2014 (Pub. L. 113–121) which authorizes the NFI to perform feasibility studies (FS) of proposed water resources development projects for submission directly to the Secretary of the Army with USACE providing technical guidance and conducting inherently governmental activities. Once submitted, the Assistant Secretary of the Army for Civil Works (ASA(CW)) evaluates the FS and prepares a report for congressional committees that describes whether the project is feasible, including recommendations concerning project design or conditions for construction. The FS phase is 100% funded by the NFI.

2. Background. The potential project area covers 11 watersheds located in Harris County, within the Harris County Flood Control District's jurisdictional boundary. The Harris County Flood Control District is a special purpose district created by the Texas Legislature in 1937 and governed by Harris County Commissioners Court. It was created in response to devastating floods that struck the region in 1929 and 1935. Harris County continues to experience major flood events, with the most significant occurring during Hurricane Harvey in 2017. These storm events cause significant flood damage, including the loss of life, coupled with projected increases in precipitation patterns and the potential for flooding events in the future, warrant this flood risk management feasibility study. The Flood Control District, acting as the NFI, is undertaking this study to evaluate flood risk management alternatives covering Brays Bayou, Buffalo Bayou, Clear Creek, Cypress Creek, Greens Bayou, Halls Bayou, Hunting Bayou, Little Cypress Creek, Sims Bayou, White Oak Bayou, and Vince Bayou watersheds.

3. Alternatives. The study will evaluate structural and nonstructural alternatives that could reduce flood risk and address study objectives. A no action alternative will also be considered. A number of measures will be considered including but not limited to: channel improvements, deep stormwater tunnels, bypass/diversion channels, stormwater detention basins, natural and nature-based features, and nonstructural measures. The study will evaluate potential benefits and impacts of the array of alternatives including reasonably foreseeable effects to the human and natural environments that balance the interests of flood risk management and environmental quality.

4. Public Participation. Scoping completed prior to and after publication of this NOI will be used to develop the EIS. The scoping comment period will begin on June 27, 2025 and will end 90 days after publication of this notice. All comments received during the scoping period are being used to identify additional measures and alternatives, significant resources, and impacts that should be considered in the EIS. Additional comments received outside the scoping period will be considered prior to the draft EIS public review

[5] *See* 5 U.S.C. 553(b). However, this is not a ''statement of policy'' as that term is used in the specific context of Regulation X, 12 CFR 1024.4(a)(1)(ii).

[6] 44 U.S.C. 3501 *et seq.*

period, to the extent possible. For comments that cannot be addressed prior to the public review period, the comments will be included with the public review period comments and addressed at that time. The Harris County Flood Control District in conjunction with USACE will host no less than ten Public Scoping Meetings (both virtual and in person) from July to August 2025. A Public Notice will be available on the project website: *theSAFERstudy.org.* Public news releases announcing the scoping period timeframe; public meeting dates, times, and locations; and where to send comments will be published in the appropriate local newspapers, on the project website, and will be distributed to the local stakeholders and known interested parties.

5. Coordination. USACE will prepare the EIS based on information and analyses provided by the Flood Control District or analyses conducted by USACE as part of a technical assistance agreement with the Flood Control District under the authority of Section 203 of WRDA 1986, as amended. Other Federal and state agencies have been invited to participate throughout the study process as Coordinating or Participating Agencies. Further coordination with environmental agencies will be conducted by USACE under the NEPA, the Fish and Wildlife Coordination Act, the Endangered Species Act, the Clean Water Act, the Clean Air Act, the National Historic Preservation Act, the Magnuson-Stevens Fishery Conservation and Management Act, and the Coastal Zone Management Act.

6. Availability of Draft EIS: The Draft EIS is estimated to be available for public review and comment during the fall of 2026. At that time, a minimum of a 45-day public review period will be provided for individuals and agencies to review and comment. USACE will notify all interested agencies, organizations, and individuals of the availability of the draft document at that time. Pertinent information about the study can be found at: *theSAFERstudy.org* or after publication of the draft EIS at: *https://www.swg.usace.army.mil/Business-With-Us/Planning-Environmental-Branch/Documents-for-Public-Review/.* To request a hard copy of the draft EIS, please contact Mr. Danny Allen by phone at 512–461–6579, or by email at *Daniel.Allen@usace.army.mil.* Please include your mailing address.

George H. Walter,

Brigadier General, U.S. Army, Commanding.

[FR Doc. 2025–11971 Filed 6–26–25; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed information collection that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995.

DATES: Comments regarding this proposed collection must be received on or before July 28, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4718.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Beth Kelly, Deputy Assistant General Counsel, (202) 246–6500, or *beth.kelly@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Comments are invited on: (a) Whether the extended 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, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

(1) *OMB No.:* 1910–5115;

(2) *Information Collection Request Title:* Contractor Legal Management Requirements;

(3) *Type of Review:* Extension;

(4) *Purpose:* The information collection to be extended has been and will be used to form the basis for DOE actions on requests from the contractors for reimbursement of litigation and other legal expenses; and, the information collected related to annual legal budget, staffing and resource plans, and initiation or settlement of defensive or offensive litigation is and will be similarly used;

(5) *Annual Estimated Number of Respondents:* 45;

(6) *Annual Estimated Number of Total Responses:* 154;

(7) *Annual Estimated Number of Burden Hours:* 1150;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* 0.

Statutory Authority: Section 161 of the Atomic Energy Act of 1954, 42 U.S.C. 2201, the Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.,* and the National Nuclear Security Administration Act, 50 U.S.C. 2401, *et seq.*

Signing Authority

This document of the Department of Energy was signed on June 23, 2025, by Jeffrey Novak, Acting General Counsel, pursuant to delegated authority from the Secretary of Energy. This document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on June 25, 2025.

Jennifer Hartzell,

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

[FR Doc. 2025–11913 Filed 6–26–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2722–024]

PacifiCorp; Notice of Application Accepted for Filing and 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:* Extension of License Term.

b. *Project No:* P–2722–024.

c. *Date Filed:* June 9, 2025.

d. *Applicant:* PacifiCorp.

e. *Name of Project:* Pioneer Hydroelectric Project (P–2722).

f. *Location:* The project is located on the Ogden River in the City of Ogden, Weber County, Utah.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* William C. Shallenberger, Vice President, Renewable Resources, PacifiCorp, 825 NE Multnomah Street, Suite 1800, Portland, OR 97232, 503–813–7268, *will.shallenberger@pacificorp.com.*

i. *FERC Contact:* Elizabeth Moats, (202) 502–6632, *Elizabeth.OsierMoats@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* July 24, 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.* You must include your name and contact information at the end of your comments. 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: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–2722–024. 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.

k. *Description of Request:* PacifiCorp, licensee for the Pioneer Hydroelectric Project No. 2722, filed a request with the Commission for an extension of the 30-year project license that currently expires on August 31, 2030. Pursuant to 18 CFR 5.5(d), a licensee must submit its notice of intent (NOI) to relicense the project at least five years prior to the expiration of a project license, which would be August 31, 2025, for the Pioneer project. On September 10, 2024, PacifiCorp filed an application to surrender the project license and convert the project to a conduit exemption, for which the Commission issued a Notice of Application on May 15, 2025. In order to allow the Commission to process the surrender and conversion to conduit exemption and not confuse the proceeding with a NOI for relicensing, PacifiCorp requests to extend its license term by one year, or a period of time deemed appropriate and sufficient by the Commission to allow for the processing of the application for surrender and conduit exemption.

l. *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.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *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.

o. *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.

p. 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 24, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–11969 Filed 6–26–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL25–32–000, EL25–33–000, EL25–34–000, EL25–35–000]

Darby Power, LLC, Gavin Power, LLC, Lawrenceburg Power, LLC, Waterford Power, LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On June 24, 2025, the Commission issued an order in Docket Nos. EL25–32–000, EL25–33–000, EL25–34–000, and EL25–35–000 pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, instituting an investigation to determine whether Darby Power, LLC, Gavin Power, LLC, Lawrenceburg Power, LLC and Waterford Power, LLC's Rate Schedules are unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. *Darby Power, LLC,* 191 FERC ¶ 61,215 (2025).

The refund effective date in Docket Nos. EL25–32–000, EL25–33–000, EL25–34–000, and EL25–35–000 established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket Nos. EL25–32–000, EL25–33–000, EL25–34–000, and EL25–35–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2024), within 21 days of the date of issuance of the order.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*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. From FERC's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field. User assistance is available for eLibrary and the FERC's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202)502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: June 24, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–11954 Filed 6–26–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2417–067, 2711–025]

Northern States Power Company; Notice Soliciting Scoping Comments

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection.

a. *Type of Applications:* Subsequent Minor Licenses.

b. *Project Nos.:* P–2417–067 and P–2711–025.

c. *Date filed:* November 30, 2023.

d. *Applicant:* Northern States Power Company (Northern States Power).

e. *Name of Projects:* Hayward Hydroelectric Project (Hayward Project) (P–2417–067) and Trego Hydroelectric Project (Trego Project) (P–2711–025).

f. *Locations:* The Hayward Project is located on the Namekagon River in the City of Hayward in Sawyer County, Wisconsin. The project is located on the Namekagon River in the City of Trego in Washburn County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r)

h. *Applicants Contact:* Donald Hartinger, Director of Renewable Operation-Hydro, Xcel Energy, 414 Nicollet Mall, 2, Minneapolis, MN 55401; phone (651) 261–7668; or Matthew Miller, Environmental Analyst, Xcel Energy, 1414 W Hamilton Ave., P.O. Box 8, Eau Claire, WI 54702–0008; phone 715–737–1353.

i. *FERC Contact:* Laura Washington (202) 502–6072, *Laura.Washington@ferc.gov.*

j. *Deadline for filing scoping comments:* July 24, 2025 by 5 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests and requests for cooperating status using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* 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, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Hayward Hydroelectric Project (P–2417–067) and/or Trego Hydroelectric Project (P–2711–025).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for each 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.

k. The applications are not ready for environmental analysis at this time.

l. Project *Description:* The Hayward Project consists of the following existing facilities: (1) a 246.9-acre reservoir; (2) a 442-foot-long the concrete overflow dam; (3) a 18-foot-wide, 24-foot long powerhouse with intake channel containing one S. Morgan Smith vertical

Francis-Type turbine with a total installed capacity of 0.168 megawatts; (4) a tailrace; (5) a 150-foot-long underground transmission line.

The Trego Project consists of the following existing facilities: (1) a 435.2-acre reservoir; (2) a 642-foot-long, 43.5-foot-high concrete dam; (3) a 59.5-foot-long, 74-feet-high powerhouse containing two James Leffel Company vertical Francis-type turbines with a total generating capacity of 1.2 megawatts; (4) a tailwater; and (5) a 49-foot-long transmission line.

Northern States Power is not proposing any changes to project facilities or operation.

m. The applications can be viewed on the Commission's website at *https://www.ferc.gov* using the ''eLibrary'' link. Enter each project's docket number, excluding the last three digits in the docket number field to access the document (P–2417–067 or P–2711–025). For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll-free) 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 these or other pending projects. For assistance, contact FERC Online Support.

n. 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.*

o. Scoping Process

Pursuant to the National Environmental Policy Act (NEPA), Commission staff intends to prepare either an environmental assessment (EA) or an environmental impact statement (EIS) (collectively referred to as the ''NEPA document'') that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS. At this time, we do not anticipate holding an on-site scoping meeting. Instead, we are soliciting written comments and suggestions on the preliminary list of issues and alternatives to be addressed in the NEPA document, as described in scoping document 1 (SD1), issued xx.

Copies of the SD1 outlining the subject areas to be addressed in the NEPA document were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD1 may be viewed on the web 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. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659.

Dated: June 24, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–11968 Filed 6–26–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6619–023]

Lake Upchurch Dam Preservation Association; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 CFR part 380, Commission staff reviewed Lake Upchurch Dam Preservation Association's application for surrender of exemption for the Raeford Hydroelectric Project No. 6619 and have prepared an Environmental Assessment (EA) for the project.[1] The exemptee proposes to surrender its exemption and decommission the project. The project is located on the Rockfish Creek, at Upchurches Pond in Cumberland County, North Carolina. The project does not occupy any federal lands.

The EA contains Commission staff's analysis of the potential environmental effects of the proposed surrender, alternatives to the proposed action, and concludes that the proposed surrender would not constitute a major federal action that would significantly affect the quality of the human environment.

The EA may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–6619) in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

All comments must be filed by August 6, 2025.

The Commission strongly encourages electronic filing. Please file comments 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. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–6619–023.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members, and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

For further information, contact Kelly Fitzpatrick at 202–502–8435 or *kelly.fitzpatrick@ferc.gov.*

Dated: June 24, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–11970 Filed 6–26–25; 8:45 am]

BILLING CODE 6717–01–P

[1] The unique identification number for documents relating to this environmental review is EAXX–019–20–000–173764344.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following complaints and compliance filings in EL Dockets:

Docket Numbers: EL24–101–000.
Applicants: Citizens Pacific Transmission LLC.
Description: Amendment to Citizens Pacific Transmission LLC 04/11/2024 Petition for Declaratory Order.
Filed Date: 4/7/25.
Accession Number: 20250407–5169.
Comment Date: 5 p.m. ET 7/7/25.

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

Docket Numbers: ER22–69–004.
Applicants: Indeck Niles, LLC.
Description: Notice of Non-Material Change in Status of Indeck Niles, LLC.
Filed Date: 6/23/25.
Accession Number: 20250623–5381.
Comment Date: 5 p.m. ET 7/14/25.

Docket Numbers: ER22–867–002; ER21–1225–005.
Applicants: Long Ridge Energy Generation LLC, Long Ridge Retail Electric Supplier LLC.
Description: Long Ridge Retail Electric Supplier LLC et al. submit response to FERC's 03/07/2025 letter requesting additional information to process the Triennial Market Power Analysis for Northeast Region.
Filed Date: 4/7/25.
Accession Number: 20250407–5219.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–1544–001.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Compliance of Commission-Approved Settlement Revisions.
Filed Date: 6/24/25.
Accession Number: 20250624–5420.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2261–000.
Applicants: Southwest Power Pool, Inc.
Description: Motion for Leave to Answer and Answer of Southwest Power Pool, Inc. to the comments of DC Energy, LLC et al.
Filed Date: 6/24/25.
Accession Number: 20250624–5279.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2589–000.
Applicants: Clean Energy Future—Trumbull.
Description: Initial Rate Filing: Application for Market-Based Rate Authorization, Request for Waivers to be effective 6/30/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5363.
Comment Date: 5 p.m. ET 7/14/25.

Docket Numbers: ER25–2590–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2900R28 KMEA NITSA NOA to be effective 9/1/2025.
Filed Date: 6/24/25.
Accession Number: 20250624–5185.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2591–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1875R9 Kansas Electric Power Cooperative, Inc. NITSA and NOA to be effective 9/1/2025.
Filed Date: 6/24/25.
Accession Number: 20250624–5234.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2592–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3620R8 Kansas City Board of Public Utilities NITSA NOA to be effective 9/1/2025.
Filed Date: 6/24/25.
Accession Number: 20250624–5252.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2593–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2025–06–24_SA 4290 NIPSCO-Merrillville Solar GIA (J1386) to be effective 6/18/2025.
Filed Date: 6/24/25.
Accession Number: 20250624–5254.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2594–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1889R15 Evergy Kansas Central, Inc.—Mindenmines NITSA NOA to be effective 9/1/2025.
Filed Date: 6/24/25.
Accession Number: 20250624–5307.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2595–000.
Applicants: BCD 2024 Fund 4 II Lessee, LLC.
Description: Tariff Amendment: BCD 2024 Fund 4 II Lessee, LLC Notice of Cancellation of MBR Tariff to be effective 6/25/2025.
Filed Date: 6/24/25.
Accession Number: 20250624–5322.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2596–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1891R15 Evergy Kansas Central, Inc.—Mulberry NITSA NOA to be effective 9/1/2025.
Filed Date: 6/24/25.
Accession Number: 20250624–5331.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2597–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1893R16 Evergy Kansas Central, Inc.—Savonburg NITSA NOA to be effective 9/1/2025.
Filed Date: 6/24/25.
Accession Number: 20250624–5343.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2598–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Submit Revs to the FRT of OGE to Incorp. Changes Accepted in ER25–1847 to be effective 7/1/2024.
Filed Date: 6/24/25.
Accession Number: 20250624–5369.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2599–000.
Applicants: Watson Cogeneration Company.
Description: § 205(d) Rate Filing: Watson Cogeneration Company LLC Notice of Succession to be effective 6/25/2025.
Filed Date: 6/24/25.
Accession Number: 20250624–5373.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2600–000.
Applicants: Midcontinent Independent System Operator, Inc., Duke Energy Indiana, LLC.
Description: § 205(d) Rate Filing: Duke Energy Indiana, LLC submits tariff filing per 35.13(a)(2)(iii: 2025–06–24_DEI Proposed Company Specific Template RE Procurement Subsidiary to be effective 12/31/9998.
Filed Date: 6/24/25.
Accession Number: 20250624–5396.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2601–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2025–06–24 Surplus LGIA—Limon 1&2—752–0.0.0 to be effective 8/23/2025.
Filed Date: 6/24/25.
Accession Number: 20250624–5426.
Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2602–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1894R15 Evergy Kansas Central, Inc.—Vermillion NITSA NOA to be effective 9/1/2025.
Filed Date: 6/24/25.
Accession Number: 20250624–5435.

Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2603–000.

Applicants: California Independent System Operator Corporation.

Description: Compliance filing: 2025–06–24 Compliance with Order No. 676–K (NAESB v. 004) & Request for Waiver to be effective 2/27/2026.

Filed Date: 6/24/25.

Accession Number: 20250624–5466.

Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2604–000.

Applicants: Indiana Michigan Power Company.

Description: § 205(d) Rate Filing: AEP submits one Revised Facilities Agreement re: ILDSA, No. 1262 to be effective 9/1/2025.

Filed Date: 6/24/25.

Accession Number: 20250624–5478.

Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2605–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2025–06–24_SA 4501 Ameren Missouri-Guthrie Montgomery MPFCA to be effective 6/16/2025.

Filed Date: 6/24/25.

Accession Number: 20250624–5491.

Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2606–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 816, Certificate of Concurrence to be effective 5/31/2025.

Filed Date: 6/24/25.

Accession Number: 20250624–5511.

Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2607–000.

Applicants: Evergy Kansas Central, Inc.

Description: § 205(d) Rate Filing: Wholesale Distribution Access Tariff Update Filing to be effective 6/25/2025.

Filed Date: 6/24/25.

Accession Number: 20250624–5549.

Comment Date: 5 p.m. ET 7/15/25.

Docket Numbers: ER25–2608–000.

Applicants: Evergy Metro, Inc.

Description: § 205(d) Rate Filing: Wholesale Distribution Access Tariff Update Filing to be effective 6/25/2025.

Filed Date: 6/24/25.

Accession Number: 20250624–5573.

Comment Date: 5 p.m. ET 7/15/25.

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

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

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

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Dated: June 24, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–11947 Filed 6–26–25; 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: RP25–964–000.

Applicants: Eastern Gas Transmission and Storage, Inc.

Description: Compliance filing: EGTS—2025 Overrun and Penalty Revenue Distribution to be effective N/A.

Filed Date: 6/24/25.

Accession Number: 20250624–5232.

Comment Date: 5 p.m. ET 7/7/25.

Docket Numbers: RP25–965–000.

Applicants: Cove Point LNG, LP.

Description: Compliance filing: Cove Point—2025 Penalty Revenue Distribution to be effective N/A.

Filed Date: 6/24/25.

Accession Number: 20250624–5241.

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.

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 24, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–11953 Filed 6–26–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–101–007, CP20–49–001]

Transcontinental Gas Pipe Line Company, LLC; Notice of Availability of the Draft General Conformity Determination Reevaluation for the Northeast Supply Enhancement Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a Draft General Conformity Determination Reevaluation (GCD Reevaluation) for the Northeast Supply Enhancement Project (Project), proposed by Transcontinental Gas Pipe Line Company, LLC (Transco) in the above-referenced dockets. The Draft GCD Reevaluation was prepared to satisfy the requirements of the Clean Air Act. The Draft GCD Reevaluation assesses the potential air quality

impacts associated with the construction and operation of the following Project facilities:

- 10.2 miles of 42-inch-diameter pipeline loop [1] in Lancaster County, Pennsylvania (the Quarryville Loop);
- 3.4 miles of 26-inch-diameter pipeline loop in Middlesex County, New Jersey (the Madison Loop);
- 23.5 miles of 26-inch-diameter pipeline loop onshore and offshore in Middlesex and Monmouth Counties, New Jersey and Queens and Richmond Counties, New York (Raritan Bay Loop);
- modification of existing Compressor Station 200 in Chester County, Pennsylvania;
- new Compressor Station 206 in Somerset County, New Jersey; and
- ancillary facilities.

The Draft GCD Reevaluation identifies that all emissions above the General Conformity applicability thresholds from construction of the Project are expected to occur in New York and New Jersey within the New Jersey-New York-Connecticut Interstate Air Quality Control Region. The draft GCD Reevaluation concludes that the Project would achieve conformity with the New York and New Jersey State Implementation Plans through the purchase of emission reduction credits of nitrogen oxides and volatile organic compounds to offset Project emissions.

The Draft GCD Reevaluation is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP17–101). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

In accordance with the General Conformity Regulations under the Code of Federal Regulations Chapter 40 Part 93.156, the Draft GCD Reevaluation is issued for a 30-day comment period. Any person wishing to comment on the Draft GCD Reevaluation may do so. To ensure consideration of your comments on the Draft GCD Reevaluation in the Final GCD Reevaluation, it is important that the Commission receive your comments in Washington, DC on or before 5:00 p.m. Eastern Time on July 24, 2025.

For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket numbers (CP17–101–007 and CP20–49–001) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

[1] A pipeline ''loop'' is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

Dated: June 24, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–11967 Filed 6–26–25; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–184]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed June 13, 2025 10 a.m. EST

Through June 23, 2025 10 a.m. EST

Pursuant to CEQ Guidance on 42 U.S.C. 4332.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search.*

EIS No. 20250087, Final, TVA, AL, Hillsboro Solar, Review Period Ends: 07/28/2025, Contact: Elizabeth Smith 865–632–3053.

EIS No. 20250088, Final, NRC, CA, NUREG–1437, Supplement 62, Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding License Renewal of Diablo Canyon Nuclear Power Plant, Units 1 and 2, Final Report, Review Period Ends: 07/28/2025, Contact: Kim Conway 301–415–1335.

EIS No. 20250090, Draft, TVA, AL, Spring Valley II Solar Project, Comment Period Ends: 08/11/2025, Contact: Elizabeth Smith 865–632–3053.

EIS No. 20250091, Draft, DOC, NY, Micron Semiconductor Manufacturing Facility, Clay, NY, Comment Period Ends: 08/11/2025, Contact: David Frenkel 240–204–1960.

EIS No. 20250092, Final, NYCHA, NYCHPD, NY, Fulton Elliott-Chelsea Redevelopment Project, Review Period Ends: 07/28/2025, Contact: Anthony Howard 212–863–7248.

Dated: June 24, 2025.

Nancy Abrams,

Associate Director, Office of Federal Activities.

[FR Doc. 2025–11799 Filed 6–26–25; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT SYSTEM INSURANCE CORPORATION

Board of Directors Meeting

SUMMARY: Notice of the forthcoming regular meeting of the Board of Directors of the Farm Credit System Insurance Corporation (FCSIC), is hereby given in accordance with the provisions of the Bylaws of the FCSIC.

DATES: 10 a.m., Wednesday, July 9, 2025.

ADDRESSES: You may observe the open portions of this meeting in person at 1501 Farm Credit Drive, McLean, Virginia 22102–5090, or virtually. If you would like to virtually attend, at least 24 hours in advance, visit *FCSIC.gov,* select ''News & Events,'' then select ''Board Meetings.'' From there, access the linked ''Instructions for board meeting visitors'' and complete the described registration process.

FOR FURTHER INFORMATION CONTACT: If you need more information or assistance for accessibility reasons, or have questions, contact Ashley Waldron, Secretary to the Board. Telephone: 703–883–4009. TTY: 703–883–4056.

SUPPLEMENTARY INFORMATION: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public. The following matters will be considered:

Portions Open to the Public

- Approval of April 9, 2025, Minutes
- Quarterly FCSIC Financial Reports
- Quarterly Report on Insured Obligations
- Quarterly Report on Annual Performance Plan
- Mid-Year Review of Insurance Premium Rates

Portions Closed to the Public

- Quarterly Report on Insurance Risk

Ashley Waldron,

Secretary to the Board.

[FR Doc. 2025–11977 Filed 6–26–25; 8:45 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0953; FR ID 300603]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before August 26, 2025. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

OMB Control Number: 3060–0953.

Title: Section 95.2309, Frequency Coordination/Coordinator, Wireless Medical Telemetry Service.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and Not-for-profit institutions.

Number of Respondents and Responses: 3,000 respondents; 3,000 responses.

Estimated Time per Response: 2–5 hours.

Frequency of Response: On occasion and one-time reporting requirements, third party disclosure requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority is contained in 47 U.S.C. 4(i), 302, 303(b), (c), (e), (f), (r), and 307.

Total Annual Burden: 15,000 hours.

Total Annual Cost: $750,000.

Needs and Uses: The Commission will submit this information collection to OMB as an extension after this 60-day comment period to obtain the full three-year clearance from them.

The Commission allocated spectrum and set stringent regulations for a ''Wireless Medical Telemetry Service,'' ensuring that critical medical equipment operates free from interference. Medical telemetry equipment is essential in hospitals and healthcare facilities, transmitting vital patient data—such as pulse and respiration rates—directly to nearby receivers. This technology not only enhances patient mobility but also significantly improves their comfort. It is crucial for advancing healthcare delivery.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2025–11861 Filed 6–26–25; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10765 and CMS–10520]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any

other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *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.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Review Choice Demonstration for Inpatient Rehabilitation Facility (IRF) Services; *Use:* Section 402(a)(1)(J) of the Social Security Amendments of 1967 (42 U.S.C. 1395b–1(a)(1)(J)) authorizes the Secretary to ''develop or demonstrate improved methods for the investigation and prosecution of fraud in the provision of care or services under the health programs established by the Social Security Act (the Act).'' Pursuant to this authority, the CMS will continue the implementation of a Medicare demonstration project, which CMS believes will help assist in developing improved procedures for the identification, investigation, and prosecution of Medicare fraud occurring among IRFs providing services to Medicare beneficiaries.

This demonstration will assist in developing improved procedures for the identification, investigation, and prosecution of potential Medicare fraud. The demonstration will ensure that payments for IRF services are appropriate through either pre-claim or postpayment review, thereby working towards the prevention and identification of potential fraud, waste, and abuse, as well as protecting the Medicare Trust Funds from improper payments while reducing Medicare appeals. CMS plans to continue the demonstration in Alabama and Pennsylvania, then expand to Texas, and California. After the initial four states, CMS will expand the demonstration to include the IRFs in any state that bill to Medicare Administrative Contractor (MAC) jurisdictions JJ, JL, JH, and JE. *Form Number:* CMS–10765 (OMB Control Number: 0938–1420); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profits and Not-for-profits); *Number of Respondents:* 526; *Number of Responses:* 179,910; *Total Annual Hours:* 89,955. For questions regarding this collection contact Jaclyn Gray (410) 786–3744.

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Marketplace Quality Standards; *Use:* The Patient Protection and Affordable Care Act establishes requirements to support the delivery of quality health care coverage for health insurance issuers offering QHPs in Exchanges. Section 1311(c)(3) of the Patient Protection and Affordable Care Act directs the Secretary to develop a system to rate QHPs on the basis of quality and price and requires Exchanges to display this quality rating information on their respective websites. Section 1311(c)(4) of the Patient Protection and Affordable Care Act requires the Secretary to develop an enrollee satisfaction survey system to assess enrollee experience with each QHP (with more than 500 enrollees in the previous year) offered through an Exchange. Section 1311(h) requires QHPs to contract with certain hospitals that meet specific patient safety and health care quality standards beginning January 1, 2015.

This collection of information is necessary to provide adequate and timely health care quality information for consumers, regulators, and Exchanges in the initial years of Exchange implementation. It is also necessary to collect information to appropriately monitor and provide a process for a survey vendor to appeal HHS' decision to not approve a QHP Enrollee Survey vendor application. *Form Number:* CMS–10114 (OMB control number: 0938–1249); *Frequency:* Annually; *Affected Public:* Public sector (Individuals and Households), Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 380; *Total Annual Responses:* 380; *Total Annual Hours:* 138,112. (For policy questions regarding this collection contact Preeti Hans at 301–492–5144.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025–11900 Filed 6–26–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10328 and CMS–10148]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing

collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by August 26, 2025.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. By *regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10328 Medicare Self-Referral Disclosure Protocol

CMS–10148 HIPAA Administrative Simplification (Non-Privacy/Security) Complaint Form

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Self-Referral Disclosure Protocol; *Use:* Section 6409 of the ACA requires the Secretary to establish a voluntary self-disclosure process that allows providers of services and suppliers to self-disclose actual or potential violations of section 1877 of the Act. The SRDP is a voluntary self-disclosure process that allows providers of services and suppliers to disclose actual or potential violations of section 1877 of the Act. For purposes of the SRDP, a person submitting a disclosure to the SRDP will be referred to as a ''disclosing party.'' CMS analyzes the disclosed conduct to determine compliance with section 1877 of the Act and the application of the exceptions to the physician self-referral prohibition.

Specifically, under the proposal a physician practice disclosing group practice noncompliance will submit an SRDP form consisting of the following components: (1) the SRDP Disclosure Form, (2) a single Group Practice Information Form covering all the physicians in the practice who made prohibited referrals to the practice, and (3) a Financial Analysis Worksheet. All other entities will continue to submit disclosures using the SRDP Disclosure Form, separate Physician Information Forms for each physician covered in the self-disclosure, and a Financial Analysis Worksheet. *Form Number:* CMS–10328 (OMB control number: 0938–1106); *Frequency:* Yearly; *Affected Public:* Private Sector (Business or other for-profits, Not-for-Profit Institutions); *Number of Respondents:* 100; *Total Annual Responses:* 100; *Total Annual Hours:* 4,950. (For policy questions regarding this collection contact Caitlin Bailey at 410–786–9768.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* HIPAA Administrative Simplification (Non-Privacy/Security) Complaint Form; *Use:* The Secretary of Health and Human Services (HHS), hereafter known as ''The Secretary,'' codified 45 CFR parts 160 and 164 Administrative Simplification provisions that apply to the enforcement of the Health Insurance Portability and Accountability Act of 1996 Public Law 104–191 (HIPAA). The provisions address rules relating to the investigation of non-compliance of the HIPAA Administrative Simplification code sets, unique identifiers, operating rules, and transactions. 45 CFR 160.306, Complaints to the Secretary, provides for investigations of covered entities by the Secretary. Further, it outlines the procedures and requirements for filing a complaint against a covered entity.

Anyone can file a complaint if he or she suspects a potential violation. Persons believing that a covered entity is not utilizing the adopted Administrative Simplification provisions of HIPAA are voluntarily requested to file a complaint with CMS via the Administrative Simplification Enforcement and Testing Tool (ASETT) online system, by mail, or by sending an email to the HIPAA mailbox at *hipaacomplaint@cms.hhs.gov.* Information provided on the standard form will be used during the investigation process to validate non-compliance of HIPAA Administrative Simplification provisions.

This standard form collects identifying and contact information of the complainant, as well as the identifying and contact information of the filed against entity (FAE). This information enables CMS to respond to the complainant and gather more information if necessary, and to contact the FAE to discuss the complaint and CMS' findings. *Form Number:* CMS–10148 (OMB control number: 0938–0948); *Frequency:* Occasionally; *Affected Public:* Private sector, Business or Not-for-profit institutions, State, Local, or Tribal Governments, Federal Government, Not-for-profits institutions; *Number of Respondents:* 400; *Total Annual Responses:* 400; *Total Annual Hours:* 400. (For policy questions regarding this collection contact Kevin Stewart at 410–786–6149).

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Drug Price

Negotiation for Initial Price Applicability Year 2028 under Sections 11001 and 11002 of the Inflation Reduction Act Information Collection Request (ICR) (CMS–10849, OMB 0938–1452); *Use:* Under the authority in sections 11001 and 11002 of the Inflation Reduction Act of 2022 (Pub. L. 117–169), the Centers for Medicare & Medicaid Services (CMS) is implementing the Medicare Drug Price Negotiation Program, codified in sections 1191 through 1198 of the Social Security Act (''the Act''). The Act establishes the Negotiation Program to negotiate maximum fair prices (''MFPs''), defined at 1191(c)(3) of the Act, for certain high expenditure, single source selected drugs covered under Medicare Part B and Part D. For the third cycle of the Negotiation Program, the Secretary of Health and Human Services (the ''Secretary'') will select up to 15 high expenditure, single source drugs payable under Part B and/or covered under Part D for negotiation. In accordance with section 1194(f)(4) of the Act, CMS will also renegotiate MFPs for drugs selected for renegotiation, if any, for initial price applicability year 2028.

Negotiation Data Elements: The statute requires that CMS consider certain data from Primary Manufacturers as part of the negotiation process. To the extent that more than one entity meets the statutory definition of manufacturer (specified in section 1193(a)(1) of the Act) for a selected drug for purposes of initial price applicability year 2028, CMS will designate the entity that holds the New Drug Application(s) (NDA(s))/Biologics License Application(s) (BLA(s)) for the selected drug to be ''the manufacturer'' of the selected drug (hereinafter the ''Primary Manufacturer''). The Primary Manufacturer's data submissions include the non-Federal average manufacturer price and related data for selected drugs for the purpose of establishing a ceiling price, as outlined in section 1193(a)(4)(A) of the Act, and information that the Secretary requires, pertaining to the negotiation factors outlined in section 1194(e)(1) of the Act, for the purpose of formulating offers and counteroffers pursuant to section 1193(a)(4)(B) of the Act. Some of these data are held by the Primary Manufacturer and are not currently available to CMS. Data described in sections 1194(e)(1) and 1193(a)(4) of the Act must be submitted by the Primary Manufacturer.

Section 1194(e)(2) of the Act requires CMS to consider certain data on selected drugs and their alternative treatments. Because the statute does not specify where these data come from, CMS will allow for optional submission from Primary Manufacturers and the public for drugs selected for negotiation or renegotiation. CMS will additionally review existing literature, conduct internal analyses, and consult subject matter and clinical experts on the factors listed in section 1194(e)(2) of the Act. Manufacturers may optionally submit this information as part of their Negotiation Data Elements Information Collection Request Form. The public may also optionally submit evidence about the selected drugs and their alternative treatments.

Drug Price Negotiation and Renegotiation Process: Any MFPs that are negotiated or renegotiated for these selected drugs will apply beginning in initial price applicability year 2028. For initial price applicability year 2028, the negotiation and renegotiation period begins on the earlier of the date that the Primary Manufacturer enters into a Medicare Drug Price Negotiation Program Agreement or February 28, 2026.

Section 1194(b)(2)(C) of the Act provides that if the Primary Manufacturer does not accept CMS' written initial offer, the Primary Manufacturer may submit an optional written counteroffer no later than 30 days after the date of receipt of CMS' written initial offer. If the Primary Manufacturer chooses to develop and submit a written counteroffer to CMS' written initial offer during the drug price negotiation or renegotiation process for initial price applicability year 2028, the Primary Manufacturer must submit the Counteroffer Form. *Form Number:* CMS–10849 (OMB control number: 0938–1452); *Frequency:* Once; *Affected Public:* Private sector, Business or other for-profit; *Number of Respondents:* 405; *Number of Responses:* 405; *Total Annual Hours:* 51,940. (For questions regarding this collection, contact Elisabeth Daniel at 667–290–8793.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025–11980 Filed 6–26–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3467–N]

Secretarial Comments on the CBE's (Battelle Memorial Institute) 2024 Activities: Report to Congress and the Secretary of the Department of Health and Human Services

AGENCY: Office of the Secretary of Health and Human Services, HHS.

ACTION: Notice.

SUMMARY: This notice acknowledges the Secretary of the Department of Health and Human Services' (the Secretary's) receipt and review of Battelle Memorial Institute's, the consensus-based entity (CBE) under a contract with the Secretary, 2024 Annual Activities Report to Congress, as mandated by section 1890(b)(5) of the Social Security Act (the Act). The Secretary has reviewed CBE's 2024 Annual Report and is publishing the report in the **Federal Register** together with the Secretary's comments on the report not later than 6 months after receiving the report in accordance with section 1890(b)(5)(B) of the Act. This notice fulfills the statutory requirements. Although the Act requires the Secretary to review and publish the report, this statutory obligation does not constitute endorsement by the Secretary of the CBE's annual report and its specific recommendations.

FOR FURTHER INFORMATION CONTACT: Charlayne Van, (410) 786–8659.

SUPPLEMENTARY INFORMATION:

I. Background

The United States Department of Health and Human Services (HHS) has long recognized that a high functioning health care system that provides higher quality care requires accurate, valid, and reliable measurement of quality and efficiency. The Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) (Pub. L. 110–275) added section 1890 of the Social Security Act (the Act), which requires the Secretary of HHS (the Secretary) to contract with a consensus-based entity (CBE) to perform multiple duties to help improve performance measurement. Section 3014 of the Patient Protection and Affordable Care Act (the Affordable Care Act) (Pub. L. 111–148) expanded the duties of the CBE to help in the identification of gaps in available measures and to improve the selection of measures used in health care

programs in Section 1890(b) of the Act. The below comments are regarding the 2024 activities conducted by Battelle as the CBE during that time.

Section 1890(b) of the Act requires the following:

Priority Setting Process: Formulation of a National Strategy and Priorities for Health Care Performance Measurement. The CBE must synthesize evidence and convene key stakeholders to make recommendations on an integrated national strategy and priorities for health care performance measurement in all applicable settings. In doing so, pursuant to section 1890(b)(1)(A) of the Act, the CBE must give priority to measures that: (1) address the health care provided to patients with prevalent, high-cost chronic diseases; (2) have the greatest potential for improving quality, efficiency, and patient-centered health care; and (3) may be implemented rapidly due to existing evidence, standards of care, or other reasons. Additionally, pursuant to section 1890(b)(1)(B) of the Act, the CBE must take into account measures that: (1) may assist consumers and patients in making informed health care decisions; (2) address health disparities across groups and areas; and (3) address the continuum of care furnished by multiple providers or practitioners across multiple settings.

Endorsement of Measures. Under section 1890(b)(2)(A) through (B) of the Act, the CBE must provide for the endorsement of standardized health care performance measures. This process must consider whether measures are evidence-based, reliable, valid, verifiable, relevant to enhanced health outcomes, actionable at the caregiver level, feasible to collect and report, responsive to variations in patient characteristics such as health status, language capabilities, race or ethnicity, and income level and are consistent across types of health care providers, including hospitals and physicians.

Maintenance of CBE Endorsed Measures. The CBE is required to establish and implement a process to ensure that endorsed measures are updated (or retired if obsolete) as new evidence is developed.

Removal of Measures. Section 102(c) of Division CC of the Consolidated Appropriations Act, 2021 amended section 1890(b) of the Act to permit the CBE to provide input to the Secretary on measures that may be considered for removal.

Convening Multi-Stakeholder Groups. The CBE must convene multistakeholder groups to provide input on: (1) the selection of certain categories of quality and efficiency measures, from among such measures that have been endorsed by the entity and from among such measures that have not been considered for endorsement by such entity but are used or proposed to be used by the Secretary for the collection or reporting of quality and efficiency measures; and (2) national priorities for improvement in population health and in the delivery of health care services for consideration under the national strategy. The CBE provides input on measures for use in certain Medicare programs, for use in programs that report performance information to the public, and for use in health care programs that are not included under the Act. The multi-stakeholder groups provide input on quality and efficiency measures for various federal health care quality reporting and quality improvement programs including those that address certain Medicare services provided through hospices, ambulatory surgical centers, hospital inpatient and outpatient facilities, physician offices, cancer hospitals, end stage renal disease (ESRD) facilities, inpatient rehabilitation facilities, long-term care hospitals, psychiatric hospitals, and home health care programs.

Transmission of Multi-Stakeholder Input. Not later than February 1 of each year, the CBE must transmit to the Secretary the input of multi-stakeholder groups. Not later than March 1 of each year, the CBE is required to submit to the Congress and the Secretary an annual report. The report is to describe:

- The implementation of quality and efficiency measurement initiatives and the coordination of such initiatives with quality and efficiency initiatives implemented by other payers;
- Recommendations on an integrated national strategy and priorities for health care performance measurement;
- Performance of the CBE's duties required under its contract with the Secretary;
- Gaps in endorsed quality and efficiency measures, including measures that are within priority areas identified by the Secretary under the national strategy established under section 399HH of the Public Health Service Act (National Quality Strategy), and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps;
- Areas in which evidence is insufficient to support endorsement of quality and efficiency measures in priority areas identified by the Secretary under the National Quality Strategy, and where targeted research may address such gaps; and
- The convening of multi-stakeholder groups to provide input on: (1) the selection of quality and efficiency measures from among such measures that have been endorsed by the CBE and such measures that have not been considered for endorsement by the CBE but are used or proposed to be used by the Secretary for the collection or reporting of quality and efficiency measures; and (2) national priorities for improvement in population health and the delivery of health care services for consideration under the National Quality Strategy.

Section 50206(c)(1) of the Bipartisan Budget Act of 2018 (Pub. L. 115–123) amended section 1890(b)(5)(A) of the Act to require the CBE's annual report to Congress to include the following: (1) an itemization of financial information for the previous fiscal year ending September 30th, including annual revenues of the entity, annual expenses of the entity, and a breakdown of the amount awarded per contracted task order and the specific projects funded in each task order assigned to the entity; and (2) any updates or modifications to internal policies and procedures of the entity as they relate to the duties of the CBE including specifically identifying any modifications to the disclosure of interests and conflicts of interests for committees, work groups, task forces, and advisory panels of the entity, and information on external stakeholder participation in the duties of the entity.

The CBE must also annually provide a report to Congress and the Secretary under section 1890(b)(5)(A) of the Act. Section 1890(b)(5)(B) of the Act provides that no later than 6 months after receiving the annual report, the Secretary shall review such report; and publish such report in the **Federal Register**, together with any comments of the Secretary on such report. Although the Act requires the Secretary to review and publish the report, this statutory obligation does not constitute endorsement by the Secretary of the CBE's annual report and its specific recommendations.

This **Federal Register** notice satisfies the requirement to Secretarial review and publication of the CBE's annual report under section 1890(b)(5)(B) of the Act. The CBE submitted a report on its 2024 activities to Congress and the Secretary on February 24, 2025. The Secretary's Comments on this report are presented in section II of this notice, and the CBE's 2024 Activities Report to Congress and the Secretary is provided, as submitted to HHS, in the addendum to this **Federal Register** notice in section IV.

II. Secretarial Comments on the CBE's (Battelle Memorial Institute) 2024 Activities: Report to Congress and the Secretary of the Department of Health and Human Services

As part of its core mission, HHS seeks to stabilize and improve the quality of health care throughout the country. In response to recent public health crises and to prudently prepare for imminent threats in the future, it is clear that the Department of Health and Human Services (HHS) must continue to focus on advancing better health care for all Americans, strengthening public trust, and building meaningful engagement and learning across the health care system. By embedding the cross-cutting principles [1] of advancing better health care for all Americans, public trust and collaboration into its diverse programs and initiatives, HHS is working to improve the health and well-being of individuals and families.

HHS appreciates the efforts that the CBE has made to support our mutual commitment to promoting a resilient, high value, and safe health care system for all Americans. In 2024, HHS supported the work conducted by the CBE to establish a measure review process that is reliable, transparent, attainable, objective and meaningful. This aligns with both Battelle and HHS' commitment to engaging all populations in health care quality improvement. As the CBE in 2024, Battelle continued to use rigorous standards to review measures for quality measure endorsement and maintain highly reliable and scientifically sound measures across priority health care topic areas.

In 2024, the CBE continued its focus on four key initiatives: Endorsement & Maintenance (E&M) of clinical quality measures, Pre-Rulemaking Measure Review (PRMR), Measure Set Review (MSR) and Core Quality Measures Collaborative (CQMC).

During 2024, Battelle reviewed all measures that were submitted for endorsement consideration for the Fall 2023 and Spring 2024 E&M cycles. Battelle enhanced its focus on advancing measurement science, ensuring transparency and increasing the number of perspectives engaged in the process. This led to greater involvement from patients, advocacy groups, and clinicians, fostering a shared sense of ownership and commitment to quality improvement.

Measures submitted for endorsement addressed critical areas like patient safety, clinical effectiveness, health access, and cost reduction. The E&M committee identified gaps in quality measurement and provided feedback on how the process could further evolve. In addition to committee feedback, Battelle also identified the need for better guidance in developing measure logic models, quantifying burden and explaining the value of a measure on the system. As the health care landscape evolves, Battelle remains dedicated to advancing quality and reducing burden through continuous improvement and innovation.

In Fall 2023, Battelle introduced a streamlined 6-month E&M process that enhances consensus-building and ensures balanced participation. Following public and interested party feedback, the Spring 2024 cycle saw significant improvements to increase engagement and reduce committee burden. Improvements included separate meetings for Advisory Groups, a Public Comment Listening Session for broader input, and a revised voting structure emphasizing the Recommendation Group's role.

During the 2024–2025 cycle for PRMR, the committee expanded from 155 to 175 members while maintaining patient and clinician representation. To enhance measure review and public comment collection, PRMR meetings were shifted to the beginning of the calendar year. This change led to a record number of public comments, with 239 written submissions and 51 verbal comments from 234 professional organizations and 56 patients/patient representatives. Listening sessions attracted over 458 attendees across three sessions.

In 2024, the MSR Recommendations Group evaluated 35 measures in the Affordability and Efficiency domain across 10 CMS programs. Unlike the previous MSR cycle, which focused solely on the End-Stage Renal Disease Quality Improvement Program (ESRD QIP), the 2024 cycle adopted a holistic, cross-program review approach. This was guided by the Cascade of Meaningful Measures, a tool that organizes the CMS measure portfolio around the eight priorities of Meaningful Measures 2.0. The group recommended discontinuing six measures and continuing 29, following an open and productive discussion with CMS that provided valuable feedback on each measure.

The CBE convened the CQMC Full Collaborative in late 2023 to set priorities for the upcoming year. The goal of the meeting was to explore the CQMC's role in three key areas, including measurement in closing care gaps, movement to digital measures and alignment around measurement models. In addition, the CQMC discussed the leading barriers to adoption of measures within the core sets and achieving the desired impact of the core sets and how these can be overcome. The CQMC also began to develop a vision and strategy for the next phases of work. In October 2024, Battelle hosted the CQMC Full Annual Strategic Meeting to review progress and set priorities for the coming year. As of December 2024, the core measure sets include:

- Accountable Care Organizations;
- Patient-Centered Medical Homes;
- Primary Care;
- Behavioral Health;
- Cardiology;
- Gastroenterology;
- HIV & Hepatitis C;
- Medical Oncology;
- Neurology;
- Obstetrics & Gynecology;
- Orthopedics; and
- Pediatrics.

HHS and the CBE both recognize the importance of clinical quality and cost/resource use measures in improving U.S. health care. Maintaining these measures through transparent, periodic, and consensus-based reviews is critical for ensuring health care quality performance can not only be measured but can also be improved upon. The CBE is dedicated to building essential relationships within the health care quality community, including patients and clinicians, for advancing the national goal of attaining the highest level of health and wellness for the widest range of individuals possible.

III. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

IV. Addendum

In this Addendum, we are publishing the *CBE Report on 2024 Activities to Congress and the Secretary of the*

[1] HHS Strategic Cross-Cutting Principles available at *https://www.hhs.gov/about/strategic-plan/2022-2026/overview/index.html.*

Department of Health and Human Services, as submitted to HHS.

Robert F. Kennedy, Jr.,
Secretary, Department of Health and Human Services.

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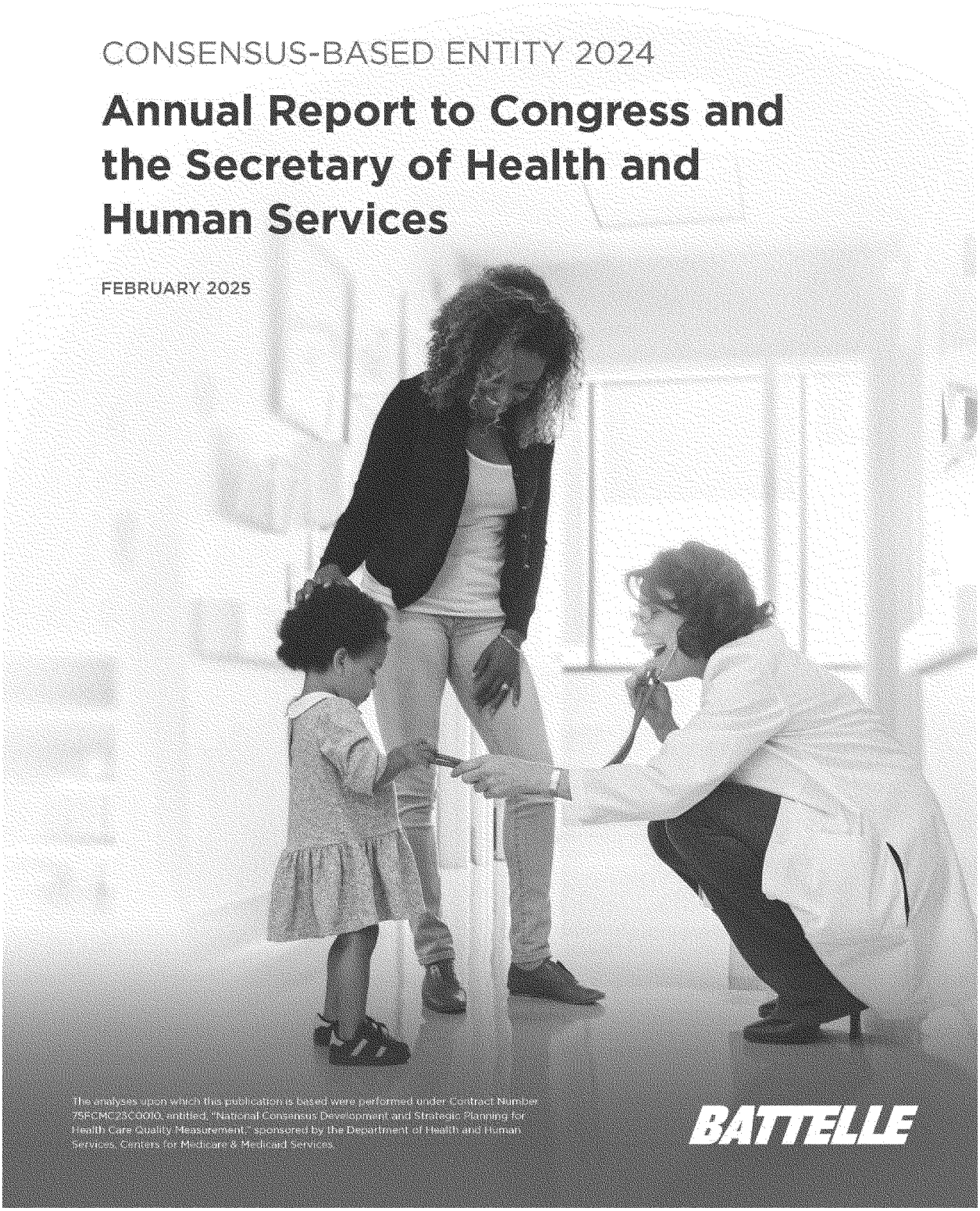


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EXECUTIVE SUMMARY

Battelle, the world's largest independent, not-for-profit applied science and technology organization, has over 30 years of experience advancing the science and translation of health care quality. As a certified consensus-based entity (CBE), Battelle launched the Partnership for Quality Measurement (PQM)™, a membership comprising over 1,200 health care stakeholders. The purpose of this report is to provide Congress and the Secretary of the Department of Health and Human Services (HHS) an update on the work accomplished by Battelle's CBE from January 1, 2024, to December 31, 2024.

KEY OBJECTIVES AND ACHIEVEMENTS

Vision for Quality Measurement: The vision of PQM is to establish a measure review process that is reliable, transparent, attainable, objective, and meaningful. This aligns with Battelle's commitment to engaging all populations in health care quality improvement.

Accessible Membership: PQM includes a wide range of health care voices, such as patients, caregivers, health care providers, measure experts, policymakers, and health IT specialists. Membership is free, promoting broad participation.

Shaping the Future of Health Care Quality: PQM members play a pivotal role in shaping the future of health care quality measurement. By leveraging their health care experiences and professional expertise, they actively participate in the quality measurement process. Members review and provide feedback on quality measures that HHS is considering for use in Medicare programs. They serve on committees that evaluate these measures for endorsement, focusing on supporting evidence, scientific rigor, feasibility for implementation, and their importance to patients and clinicians.

Advancements in 2024: In 2024, Battelle's CBE enhanced its focus on advancing measurement science, ensuring transparency, and increasing the number of perspectives engaged in the process. This has led to greater involvement from patients, advocacy groups, and clinicians, fostering a shared sense of ownership and commitment to quality improvement.

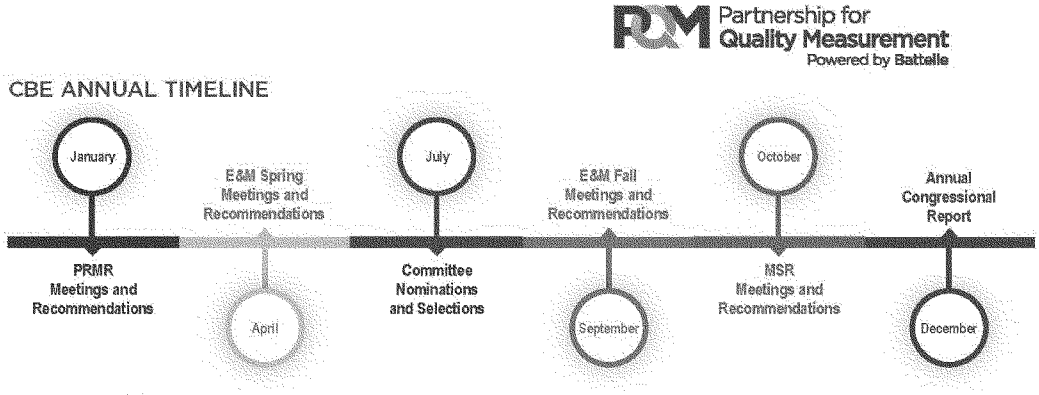


Figure 1. The CBE Annual Timeline

Battelle's annual CBE schedule begins with Pre-Rulemaking Measure Review (PRMR) in January, followed by two cycles of Endorsement and Maintenance (E&M), and rounds out with the Measure Set Review (MSR) at the end of the year. Throughout the year, Battelle also supports the Core Quality Measures Collaborative (CQMC). Each of these activities plays a critical role in creating a balanced portfolio of quality measures available to the health care field.

Endorsement and Maintenance (E&M) of clinical quality measures: Battelle convenes PQM committee members to evaluate quality measures submitted for endorsement or up for routine maintenance. Committee members answer the question: is the measure safe and effective for general use, and unlikely to result in negative unintended consequences?

Pre-Rulemaking Measure Review (PRMR): Battelle convenes PQM committee members to review measures submitted to CMS as part of the pre-rulemaking process. Committee members answer the question: is the measure reasonable and necessary for use in the intended CMS value-based program(s)?

Measure Set Review (MSR): Battelle convenes PQM committee members to review measures within the CMS portfolio of active measures. Committee members answer the question: is the measure aligned with CMS's current needs and priorities?

Core Quality Measures Collaborative (CQMC): Battelle partners with CMS and the American Health Insurance Plans (AHIP), as part of a public-private partnership, tasked with aligning quality measures across payors to reduce burden on clinicians.

THREE DISTINCT PROCESSES (AND DECISIONS):

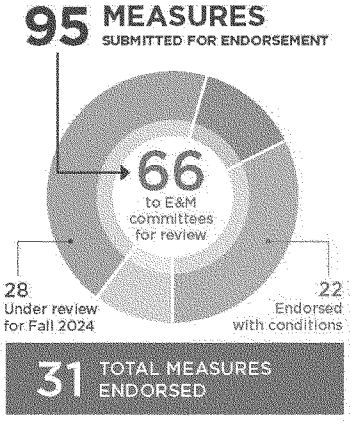
Endorsement & Maintenance (E&M)	Pre-Rulemaking Measure Review (PRMR)	Measure Set Review (MSR)
Consensus-based endorsement of measure	***Recommendation to add measure to program***	***Recommendation to remove measure from program***
• "Safe and effective" • Use of the measure in health care will increase the likelihood of desired health outcome (net benefit)	• "Reasonable and necessary" • Consider the context of specific CMS program and population of CMS entities and beneficiaries	• "Market optimization" • Explicit consideration of trade-offs in measure implementation experience, benefit, and burden within a measure domain

Figure 2. The Three CBE Processes

Endorsement and Maintenance: Battelle's Endorsement and Maintenance (E&M) process ensures that health care performance measures are evidence-based, scientifically sound, and effective in improving health outcomes. The E&M committees rigorously evaluate measures to ensure they are reliable, valid, actionable, and relevant to the intended populations and health care settings.

In Fall 2023, Battelle introduced a streamlined 6-month evaluation process, which also enhances consensus-building and ensures balanced participation. Following feedback, the Spring 2024 cycle saw significant enhancements to increase engagement and reduce committee burden. Improvements included separate meetings for Advisory Groups, a Public Comment Listening Session for broader input, and a revised voting structure emphasizing the Recommendation Group's role.

During 2024, over 95 measures were submitted to Battelle for endorsement consideration, of which 66 went to E&M committees for review due to measures being withdrawn after cycle launch or retired (maintenance measures only). E&M committees endorsed 31 measures during the Fall 2023 and Spring 2024 cycles, 22 of which were endorsed with conditions. Measures evaluated during the Fall 2024 cycle will receive final endorsement decisions in February 2025.



Measures submitted for endorsement addressed critical areas like patient safety, clinical effectiveness, health access, and cost reduction. The E&M committee identified gaps in quality measurement and provided feedback on how the process could further evolve. In addition to committee feedback, Battelle also identified the need for better guidance in developing measure logic models, quantifying burden and explaining the value of a measure on the system. As the health care landscape evolves, Battelle is dedicated to advancing quality and reducing burden through continuous improvement and innovation.

FEEDBACK RELATED TO 2024 E&M CYCLE ENHANCEMENTS

"I enjoyed the process of how the Recommendation meeting was conducted, the conversation was facilitated, and ultimately how the measure went through voting process. We support the continuation of the rigorous criteria used to develop and evaluate measures."

"[I liked most] the iterative improvements that Battelle made, including allowing developers to respond to public comment. The patient representative and SME [subject matter expert] leading conversations on measures during the Recommendation Group meeting created a nice flow to the facilitation of the measure discussion."

"This was one of the best and most complex discussions that I have ever been in on in at least 15 years."

Pre-Rulemaking Measure Review (PRMR): Battelle leads the Pre-Rulemaking Measure Review (PRMR) process to make informed recommendations on quality and efficiency measures, aligning with section § 1890A of the Social Security Act. This process supports consensus recommendations for measures considered by the Centers for Medicaid & Medicare Services (CMS) for quality reporting and value-based programs. Due to the federal pre-rulemaking process spanning the calendar year, this report references 2023 activities to provide context for the 2023-2024 PRMR cycle conclusion.

In 2023, the PRMR committee comprised 155 members, including 20 patients and 39 clinicians. Battelle synthesized public comments and initial committee feedback to facilitate three setting-specific meetings on MUC List measures in January 2024. Committees recommended 32 measures for rulemaking, with 2 recommended without conditions and 30 recommended with conditions, such as requiring CBE endorsement before implementation. One measure was not recommended, and consensus was not reached on 20 measures.

For the 2024-2025 cycle, the committee expanded to 175 members, maintaining patient and clinician representation (Figure 3). To enhance measure review and public comment collection, PRMR meetings were shifted to the beginning of the calendar year. This change led to a record number of public comments, with 239 written submissions and 51 verbal comments from 234 professional organizations and 56 patients/patient representatives. Listening sessions attracted over 458 attendees across three sessions.

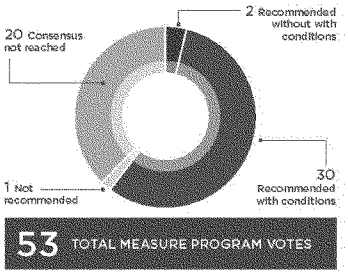




Figure 3. Committee Composition

- **Meaningfulness:** Does the measure meet criteria for importance, scientific soundness, feasibility, and usability for the intended population and program?
- **Appropriateness of scale:** Is the measure applied in a way that maximizes its value across different segments of the target population?
- **Time to value realization:** Does current evidence show a clear path from measurement to performance improvement?

In April 2024, Battelle hosted the 2024 PQM Measure Strategy Summit in Baltimore, MD. This event gathered PRMR/Measure Set Review (MSR) committee members to review the 2023-2024 PRMR cycle, discuss the PQM measure strategy and CMS priorities, and gather input for the 2024 MSR cycle.

Based on feedback from committees and CMS, Battelle implemented several changes for the 2024-2025 PRMR cycle. These include clearer definitions for "recommendation with conditions," increased committee size to reduce "consensus not reached" outcomes, a more defined role for the Advisory Group, and clarified voting procedures for instrument-based measures.

The **PRMR process** makes consensus recommendations about measures on the MUC List.

The **MSR process** builds consensus around measure continuation to optimize the CMS measure portfolio in the value-based programs.

Measure Set Review (MSR): The Measure Set Review (MSR) process implemented by Battelle focuses on optimizing the CMS measure portfolio by reviewing measures across various programs. The goal is to ensure that measures continue to meet program needs and priorities, based on updated information about their properties and performance trends. This process builds consensus around which measures should continue to be used in value-based programs.

In 2024, the MSR Recommendation Group evaluated 35 measures in the Affordability and Efficiency domain across 10 CMS programs. Unlike the previous cycle, which focused solely on the End-Stage Renal Disease Quality Improvement Program (ESRD QIP), the 2024 cycle adopted a holistic, cross-program review approach. This was guided by the Cascade of Meaningful Measures, a tool that organizes the CMS measure portfolio around the eight priorities of Meaningful Measures 2.0. The group recommended discontinuing six measures and continuing 29, following an open and productive discussions with CMS that provided valuable feedback on each measure.

The MSR process evaluates measures based on three key domains:

- **Meaningfulness:** Ensures measures meet criteria for importance, feasibility, scientific acceptability, and usability across programs and populations.
- **Data Stream Parsimony:** Identifies and reduces redundancy in data streams.
- **Patient Journey:** Confirms measures are implemented as intended across the patient journey.

During discussions, members expressed interest in advancing focus on social determinants of health, allowing flexibility in measure specifications for personalized medicine, and considering the unique needs of rural communities. They also explored ways to enhance measure utility for patients and measured entities.

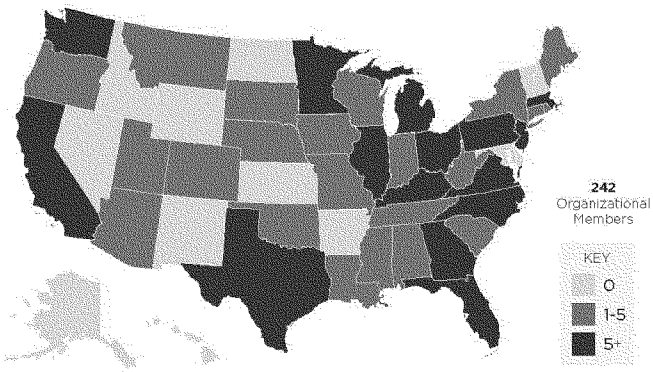
FEEDBACK RECEIVED FROM PATIENT PARTICIPANT ABOUT THE 2024 MSR RECOMMENDATION GROUP MEETING:

"Thanks Battelle and CMS for making patients voice meaningful and making sure that our voice is heard. The last 2 years, our voice has taken on new meaning. It has been accepted and valued so much more than it was before. I feel that every day and in everything I do. All this measurement gets out in the world we live in. It is important to the world we live in as patients. I appreciate everything you do to make sure our voice is heard. I thank you from the bottom of my heart, it means the world to me. It means we have a better chance of a safer world for patients."

Core Quality Measures Collaborative (CQMC):
The Core Quality Measures Collaborative (CQMC) is a coalition of health care leaders dedicated to aligning measures across payers by developing core sets of measures to assess health care quality in the United States. These core sets are organized around specific conditions or topics and can be implemented collectively or selectively by users in the field. In October 2024, Battelle hosted the CQMC Full Annual Strategic Meeting to review progress and set priorities for the coming year.

Partnership for Quality Measurement (PQM): PQM members cover 98 percent of the United States. Committee members represent a cross-section of the nation, hailing from urban, rural, and suburban communities across various socioeconomic backgrounds (Figure 4).

PQM ORGANIZATIONAL MEMBERSHIP MAP



Members Include:

Clergy
Consumer/Purchaser Advocates
Health Systems
Health Care Consulting
Hospitals
Life Science
Medical Groups
National Associations
Non-Profit Organizations
Nursing Specialties
Patient Advocacy
Patient Safety Activists
QIN-QIO
Rural Health Organizations
Specialty Trade Associations
Specialty Societies
State Government
State Hospitals
Voluntary Health Association

Figure 4. PQM Organizational Membership Map

Summary. In 2024, Battelle continued its vital role in enhancing U.S. health care by leveraging over 30 years of expertise as the world's largest independent, not-for-profit applied science organization. Through the Partnership for Quality Measurement (PQM), Battelle engaged over 1,200 stakeholders to drive improvements in health care measurement. Key initiatives focused on burden reduction, health access, patient safety, and digital quality measures. These efforts ensured a balanced and effective portfolio, underscoring Battelle's commitment to transparent, reliable, and meaningful processes. By fostering strong relationships within the health care quality community, Battelle remains dedicated to advancing the national mission of achieving optimal health and well-being for all.



1.0 Introduction

1.1 Background

Battelle is the world's largest independent, not-for-profit applied science and technology organization, renowned for its commitment to innovation and excellence. Our mission is to translate scientific discoveries and technological advances into tangible societal benefits, addressing complex challenges across various sectors. In 2023, Battelle was awarded the National Consensus Development and Strategic Planning for Health Care Quality Measurement contract (NCDC) by the Centers for Medicare & Medicaid Services (CMS), aligning seamlessly with our ongoing efforts to enhance health care quality measurement and improvement.

The Medicare Improvement for Patients and Providers Act of 2008 (MIPPA) introduced section § 1890 of the SSA and mandated the Secretary of the HHS to contract with a consensus-based entity (CBE) to synthesize evidence and convene key stakeholders to make recommendations focused on improving health care system performance. Activities include reviewing and endorsing standardized health care performance measures and reassessing previously endorsed measures. Section 3014 of the Patient Protection and Affordable Care Act (ACA) further expanded the CBE duties to include convening stakeholder groups for input on selecting quality measures for input on selecting quality measures for public performance reporting and value-based programs. A further evolution of the CBE's role has included the recent addition of convening stakeholders to provide CMS with guidance on measures that should be considered for removal from its programs.

The NCDC's scope aligns with the requirements outlined in §1890 of the SSA. Battelle collaborates closely with CMS to fulfill the CBE's statutory goals through key initiatives (Figure 5):

- **Endorsement and Maintenance (E&M) of clinical quality measures:** Battelle convenes PQM committee members to evaluate quality measures for endorsement or routine maintenance, ensuring they are safe, effective, and unlikely to cause negative unintended consequences.
- **Pre-Rulemaking Measure Review (PRMR):** Battelle assembles PQM committee members to review measures submitted to CMS during the pre-rulemaking process, determining if they are reasonable and necessary for intended CMS value-based programs.
- **Measure Set Review (MSR):** Battelle gathers PQM committee members to assess measures within the CMS portfolio, ensuring alignment with CMS's current needs and priorities. If misaligned, the committee may recommend measure removal.
- **Core Quality Measures Collaborative (CQMC):** In partnership with CMS and the American Health Insurance Plans (AHIP), Battelle participates in a public-private partnership to align quality measures across payers, reducing the burden on clinicians.

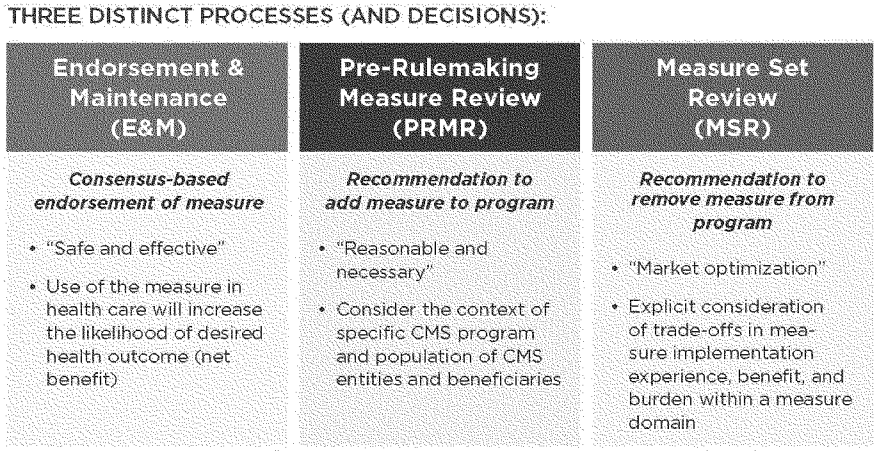


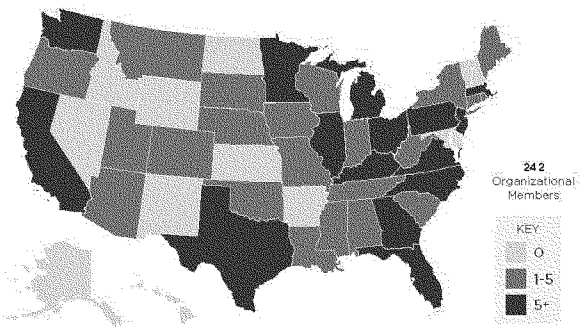
Figure 5. The Three CBE Processes

1.2 Partnership for Quality Measurement (PQM)

To facilitate comprehensive measure reviews, Battelle, as a consensus-based entity (CBE), established the Partnership for Quality Measurement (PQM). This partnership brings together an array of health care voices, including patients and caregivers, health care providers (such as clinicians, health plans, and health systems), measure experts (including developers, stewards, and researchers), policymakers, measure implementers, and health information technology specialists. The vision of PQM is to create a measure review process that is reliable, transparent, attainable, and meaningful. To reduce barriers to participation in consensus-based work, Battelle offers membership in PQM at no cost.

PQM members cover 98 percent of the United States. Committee members represent a cross-section of the nation, hailing from urban, rural, and suburban communities across various socioeconomic backgrounds (Figures 6 and 7).

PQM ORGANIZATIONAL MEMBERSHIP MAP



Members Include:

Clergy
Consumer/Purchaser Advocates
Health Systems
Health Care Consulting
Hospitals
Life Science
Medical Groups
National Associations
Non-Profit Organizations
Nursing Specialties
Patient Advocacy
Patient Safety Activists
QIN-QIO
Rural Health Organizations
Specialty Trade Associations
Specialty Societies
State Government
State Hospitals
Voluntary Health Association

Figure 6. PQM Organizational Membership Map

PQM INDIVIDUAL MEMBERSHIP

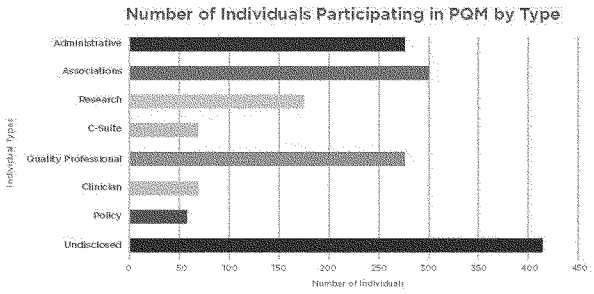


Figure 7. PQM Individual Membership

1.3 Importance

Health care policy ideally improves population health and reduces health care workforce burden. Quality measures uniquely contribute to health care policy by identifying ways to enhance the health care system. While biomedical advances benefit us all, they often increase system costs. Quality measures ensure these advances benefit everyone and that resources are used efficiently.

Quality measures highlight barriers faced by patients, clinicians, and facilities, offering opportunities to leverage community insights to address these barriers. Battelle's approach to consensus-building through evidence-based policy and meaningful community engagement is designed to focus that attention and leverage that insight. As is described in this report, Battelle has continued to innovate in methods to assess evidence, to reduce burden, and to engage the community, with the ultimate goal of identifying the optimal portfolio of measures that society needs to ensure a healthy population and a robust heath care workforce.

1.4 Audience

The primary audiences for this report are members of the U.S. Congress, congressional staff, the Secretary of HHS, and other government officials. Secondary audiences encompass parties interested in health care quality and efficiency measures, such as providers, patients, caregivers, insurers, and other payers. Additionally, measure developers; measure stewards; professional associations; policymakers; and those who research measurement science in academic, commercial, or private settings focused on measurement science are also key stakeholders.

1.5 Report Organization

Pursuant to §1890(b)(5)(A), the CBE is required to submit a report to Congress and the Secretary of HHS by March 1 of each year. Table 1 depicts the required content of the report and where it can be located.

Table 1. Contents of the 2024 Annual Report to Congress and the Secretary of HHS

ELEMENT	SECTION
The implementation of quality and efficiency measurement initiatives and the coordination of such initiatives with quality and efficiency initiatives implemented by other payers	3.0
Recommendations on an integrated national strategy and priorities for health care performance measurement;	2.0
Performance of the CBE's duties required under its contract with the Secretary	1.0
Gaps in endorsed quality and efficiency measures, including measures that are within priority areas identified by the Secretary under the national strategy established under §399HH of the Public Health Service Act (National Quality Strategy), and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps	3.0
Areas in which evidence is insufficient to support endorsement of quality and efficiency measures in priority areas identified by the Secretary under the National Quality Strategy, and where targeted research may address such gaps	3.0
The convening of multi-stakeholder groups to provide input on: (1) the selection of quality and efficiency measures from among such measures that have been endorsed by the CBE and such measures that have not been considered for endorsement by the CBE but are used or proposed to be used by the Secretary for the collection or reporting of quality and efficiency measures; and (2) national priorities for improvement in population health and the delivery of health care services for consideration under the National Quality Strategy	4.0, 5.0
An itemization of financial information for the previous fiscal year ending September 30, including	8.0
Annual revenues of the entity	8.0
Annual expenses of the entity	8.0
A breakdown of the amount awarded per contracted task order and the specific projects funded in each task order assigned to the entity	8.1
Any updates or modifications to internal policies and procedures of the entity as they relate to the duties of the CBE	9.0
Any modifications to the disclosure of interests and conflicts of interests for committees, workgroups, task forces, and advisory panels of the entity	9.0
Information on external stakeholder participation in the duties of the entity	9.0

2.0 National Strategy

Pursuant to §1890(b)(1) of the SSA, the CBE must "synthesize evidence and convene key stakeholders to make recommendations, with respect to activities conducted under this Act, on an integrated national strategy and priorities for health care performance measurement in all applicable settings. In making such recommendations, the entity shall (A) ensure that priority is given to measures— (i) that address the health care provided to patients with prevalent, high-cost chronic diseases; (ii) with the greatest potential for improving the quality, efficiency, and patient-centeredness of health care; and (iii) that may be implemented rapidly due to existing evidence, standards of care, or other reasons; and (B) take into account measures that— (i) may assist consumers and patients in making informed health care decisions; (ii) address health disparities across groups and areas; and (iii) address the continuum of care a patient receives, including services furnished by multiple health care providers or practitioners and across multiple settings."

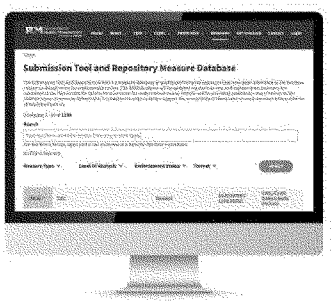
In 2024, Battelle's recommendations on national strategy come from several sources including the CBE portfolio, the CBE Quality Measurement Strategy, and recommendations made by stakeholders.

2.1 Consensus-Based Entity Endorsement Portfolio

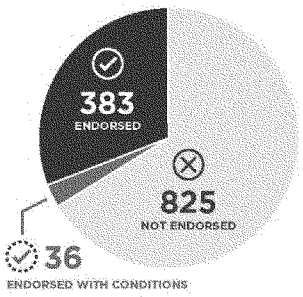
In 2023, Battelle launched the Partnership for Quality Measurement (PQM) website and the Submission Tool and Repository (STAR). STAR stores all measures that have been endorsed by a CMS funded consensus-based entity. In 2024, Battelle conducted an in-depth review of what measures were in the database to better determine to identify potential gaps.

The STAR database currently houses 1,245 quality measures submitted to a consensus-based entity. Previously, measures could receive various endorsement statuses, such as Endorsed for Trial Use and Endorsed with Reserve Status. Battelle has consolidated measure status into three categories: Endorsed, Endorsed with Conditions and Not Endorsed.

As of June 2024, the STAR database includes 383 measures designated as endorsed; 36 measures endorsed with conditions and 825 measures not endorsed. Measures may not be endorsed for several reasons including: not receiving initial endorsement after committee review, endorsement not being retained during the maintenance review process, or a measure developer opting to resubmit a measure for a maintenance review.



CBE Measure Portfolio



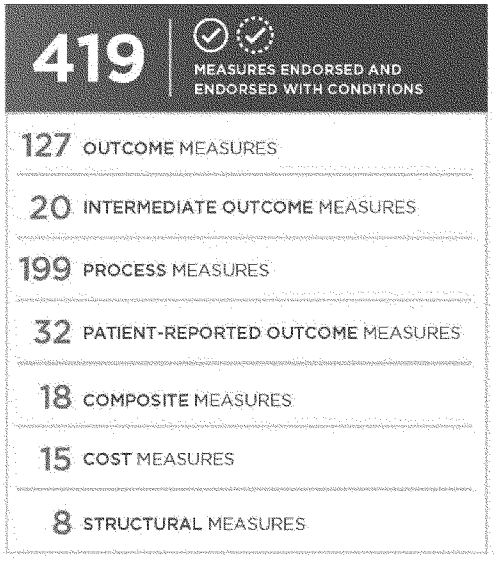


Figure 8. STAR Portfolio

Each measure is assigned a measure type. Among the 419 measures endorsed or endorsed with conditions: 127 are outcome measures, 20 are intermediate outcome measures, 199 are process measures, 32 are patient-reported outcome measures, 18 are composite measures, 15 are cost measures and 8 are structural.

2.2 Consensus-Based Entity Quality Measurement Strategy

Battelle seeks to support implementation of the requirements of §1890 by leveraging CBE processes to focus quality measurement resources where they offer the most potential benefit for health care system change and where that benefit outweighs the burden of quality data collection, reporting, and use. In 2023, Battelle began the process of developing a **5-year CBE Quality Measurement Strategy**. Elements of the strategy align with some of the most pressing issues surrounding quality measurement as well as emerging technologies or policies with the potential to improve quality measurement science.

Benefit for Health Care System Change

To support health care system change, quality measures should focus on areas where measurement is the most effective approach to improve the health of a population and reduce uncertainty about how to achieve high-quality care (Figure 9).

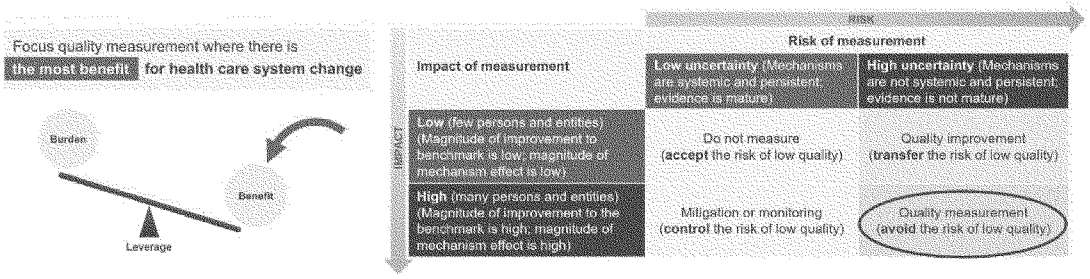


Figure 9. Strategy for Focusing Quality Measurement

The potential for improvement, known as "impact," is high when enhancing clinician or facility performance leads to a significant decrease in adverse outcomes or an increase in positive outcomes. On the other hand, the potential to reduce uncertainty, referred to as "risk," is high when low-performing clinicians or facilities are unsure about how to improve and whether they can overcome obstacles to improvement. By measuring performance, we can increase impact and decrease risk. This is achieved by emulating the successful strategies of high performers and identifying and addressing the barriers faced by low performers.

In 2024, Battelle started implementing the CBE Quality Measurement Strategy, focusing first on assessing risk and benefit at the individual measure and global portfolio levels. We now encourage measure developers to submit data on performance score distribution across clinicians or facilities by performance decile, known as the "Importance" table. Developers are also encouraged to provide a logic model and evidence explaining how high-performing clinicians or facilities achieve their results. By providing this information, measure developers can holistically explain the story and goal of their measure to a wide-ranging audience.

Although this strategy is in its early stages, it could significantly impact the number of measures endorsed or recommended for addition or removal in the CBE processes, thereby reducing burden on clinicians and patients. Measures that have been in use many years may struggle to demonstrate high impact for future use. Some measure developers may find it challenging in providing the required logic model and evidence. This challenge may disproportionately affect community-based developers or developers of pediatric or post-acute care measures. Battelle will carefully monitor this situation and provide technical assistance as needed.

Of particular note, assessing the impact of measures in the Quality Payment Program (QPP) presents a challenge due to the voluntary nature of reporting, which could incentivize high-performing clinicians to report. One potential solution is to collect performance data from a random sample of clinicians (e.g., 50 clinicians) to accurately assess the true underlying "epidemiological" performance in the target population.

The Burden of Quality Data Collection, Reporting, and Use

The CBE Quality Measurement Strategy not only addresses the impact and risk of measurement but also pursues direct approaches to assess the burden of quality data collection, reporting, and use. The literature defines "burden" as effort not directly applied to patient care. Recent years have seen modest growth in literature on the burden of data collection in health care. In the future, the CBE will request additional information on various aspects of burden, including costs associated with workflow modifications, data validation, and IT expenses (e.g., modifications or licensing).

There is a limited but consistent quantitative literature estimating the direct costs of quality data collection, reporting, and use. This information can help objectively assess the benefit-burden trade-off in measurement. The CBE plans to pilot potential metrics to inform the "return-on-investment" in quality measurement.

Together, the additional data collected through CBE processes on the benefit and burden of quality measurement will inform the endorsement, recommendation, and removal considerations made by PQM committees.

Assessing the Burden of Quality Data Collection, Reporting, and Use

Burden Category	Description
Data Entry Costs/Workflow Modification Costs	Time spent entering information or modifying workflows exclusively for quality reporting
Quality Review Costs	Costs associated with reviewing quality
Metric Tracking Costs	Expenses for tracking quality metric specifications
Development Costs	Costs of developing and implementing data collection processes
Data Collection & Validation	Resources used in collecting and validating data
Vendor Fees and Proprietary Fees	Includes both survey implementation fees, electronic health record (EHR) vendor fees for modifying templates, and any other priority (licensing) fees
Training & Support Costs	Training staff to use new systems or follow new protocols
Technology & Infrastructure	Expenses related to technological infrastructure, software, or tools required for data collection and reporting
Miscellaneous Costs	Any other indirect costs related to administrative support, overhead, etc.

2.3 Recommendations from Stakeholders

As further explored in Section 5.0, the MSR process for 2024 gathered consensus recommendations from interested parties for the continued use of 35 Cost Effectiveness and Efficiency in Health Care Utilization measures from 10 CMS programs. During the MSR meeting, Recommendation Group members identified several recurring themes for future measure revisions and improvements, including:

- Prioritizing effective measures for rural communities.
- Balancing program requirements, measure performance, and participation.
- Incorporating social determinants of health.
- Assessing measure performance across subgroups.
- Exploring new care coordination and communication measures.
- Exploring new patient-reported outcome performance measures.
- Promoting alignment across settings and programs.



Figure 10. Areas for Future Consideration

Prioritize Effective Measures for Rural Communities Prioritize Effective Measures for Rural Communities

Throughout the MSR meeting, members emphasized the need to prioritize effective measures for rural communities, highlighting challenges such as:

- Lack of outpatient specialty care
- Low patient volume
- Limited social support services
- Geographic barriers
- Higher burden of social determinants of health (SDOH)

Key recommendations included:

- Stratifying performance data to assess rural providers separately.
- Involving rural facilities in measure development and including rural perspectives on technical expert panels (TEPs).
- Developing implementation guides and support for rural communities.
- Exploring rural-focused MIPS Value Pathways or measure sets to address performance gaps.

These steps aim to ensure that rural providers can meet CMS performance benchmarks and improve health care outcomes in these communities.

Incorporate Social Determinants of Health (SDOH)

Committee members are increasingly interested in how social determinants of health (SDOH) affect measure implementation and performance across populations. SDOH include factors like economic stability, education, health care access, neighborhood environment, and social context. Concerns were raised about rural and low-resource facilities, where negative SDOH factors can lead to lower scores on readmission measures, despite readmission being necessary for patient care.

Key recommendations include:

- Incorporating SDOH data, such as dual eligibility for Medicaid and Medicare, into measure stratification or risk adjustment to avoid penalizing providers serving high-need populations.
- Recognizing that dual eligibility may not fully capture economic need due to regional Medicaid service differences.
- Encouraging CMS and developers to explore new methods for collecting patient-level SDOH data to improve risk adjustment and stratification.

Explore New Care Coordination and Communication Measures

During discussions on imaging overuse measures, the committee emphasized the need for effective communication and coordination between community providers and radiologists at larger facilities. Key points include:

- **Communication as a Barrier:** Lack of communication hinders high performance on overuse measures.
- **Measure Intent:** Effective coordination between ordering providers and specialists is crucial for adhering to appropriate use guidelines.
- **Direct Measurement:** If the goal is to improve communication, measures should target communication and coordination processes directly.
- **New Measures:** CMS and developers should create measures promoting effective communication and coordination between specialists and facilities.
- **Ongoing Evaluation:** Use focus groups and interviews to ensure measures align with their original intent and address workflow issues.

These steps aim to enhance measure effectiveness by focusing on communication and coordination in health care settings.



Balance Program Requirements, Measure Performance, and Participation for Effective Measure Sets

During discussions on measure removal, committee members expressed concerns about limiting measures available for specialty providers. They argued for maintaining a minimum number of relevant measures, even if some are "topped out." Key points include:

- **Measure Availability:** Ensure enough measures for specialty providers to report, enabling fair participation.
- **Program Mandates:** Consider statutory requirements under the IMPACT Act and their impact on the measure set.
- **Balancing Requirements:** Balance program participation with measure appropriateness and effectiveness by:
  1. Providing suitable measures for fair participation.
  2. Ensuring measures are scientifically robust and allow performance improvement.
  3. Meeting statutory obligations.

The committee encouraged CMS to explore ways to balance participation and statutory requirements with measure effectiveness. This might involve keeping "topped-out" measures temporarily or phasing in new measures with innovative technologies like NLP. They also emphasized improving transparency in measure-performance monitoring to assure appropriateness, effectiveness, and balance across populations.



Assess Measure Performance Across Subgroups

Committee members showed interest in analyzing measure performance across subgroups, such as rural versus urban areas and different socioeconomic statuses. They expressed concerns that "topped out" measures might still offer improvement opportunities for certain providers. They emphasized exploring performance differences between high- and low-resource settings, noting that providers facing greater barriers might improve more slowly. They advised CMS to evaluate subgroup performance variations before phasing out measures. Concerns were also raised about facilities serving higher-need populations or acting as "safety net" providers, which might show lower performance due to factors like limited community services and a larger proportion of patients facing care barriers, lower health literacy, and higher comorbidity rates.



Explore New Patient-Reported Outcome Performance Measures

The committee expressed interest in developing additional complementary patient-reported outcome performance measures (PRO-PMs) for discharge to community measures. These measures aim to provide an aligned patient perspective across different care settings on discharge planning and practices. They also suggested creating PRO-PMs to evaluate the extent of patient and family participation in discharge planning and shared decision-making. Beyond this measure group, the committee emphasized engaging patients, caregivers, and families in outcomes-based measures, focusing on improving patient participation in decision-making and care quality assessment.

Promote Alignment Across Settings and Programs Promote Alignment Across Settings and Programs

During discussions on readmission measures, the committee examined potential overlaps with measures in other programs. They support CMS's efforts to align or harmonize measures across programs and encouraged further alignment on risk-adjustment models. The committee emphasized the importance of considering cross-program contexts in future MSR cycles. While the program-specific focus during the 2024 MSR cycle ensured individual program contexts were considered, it did not allow for broader optimization of similar measure sets across programs. The committee challenged CMS and the CBE to more fully integrate a cross-program approach into the measure review process.

2.4 Prioritized Measures Reviewed

In 2024, the CBE had the capacity to review all measures submitted for E&M, PRMR, and MSR. Table 2 provides a summary of measures reviewed fitting within the categories listed above.

Table 2. Crosswalk from National Priority Areas to PQM Activities in 2024

MEASURE PRIORITY (CATEGORY)	NUMBER OF MEASURES UNDER REVIEW IN 2024^		
	E&M*	PRMR	MSR**
Address health care provided to patient with prevalent, high-cost chronic disease.	18	9	8
Greatest potential for improving quality, efficiency, and patient-centeredness of health care.	22	18	35
May be implemented rapidly due to existing evidence, standards of care, or other reasons.	34	15	35

^*Measure counts across table rows are not mutually exclusive.*

**As of December 31, 2023, only measures in the Fall 2023 and Spring 2024 cycles had received endorsement decisions. The Fall 2024 cycle measures (n=39) will receive endorsement decisions in February 2025.*

***All MSR measures are currently implemented in CMS programs.*

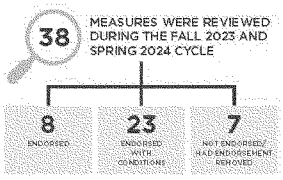
3.0 Implementation of Quality and Efficiency Measurement Initiatives (E&M)

Pursuant to §1890(b)(2) of the SSA, the CBE shall "provide for the endorsement of standardized health care performance measures. The endorsement process under the preceding sentence shall consider whether a measure is (A) evidence-based, reliable, valid, verifiable, relevant to enhanced health outcomes, actionable at the caregiver level, feasible to collect and report, and responsive to variations in patient characteristics, such as health status, language capabilities, race or ethnicity, and income level; and (B) is consistent across types of health care providers, including hospitals and physicians." Section 1890 (b)(3) notes "the entity shall establish and implement a process to ensure that measures endorsed under paragraph (2) are updated (or retired if obsolete) as new evidence is developed." The CBE is required to describe the results of these processes pursuant to §1890(b)(5)(i)(I) of the SSA.

Battelle's approach to the E&M process includes several enhancements made after its launch in Fall 2023:

- **Increased Engagement:** Organized separate meetings for the Advisory Group to enhance discussion before Recommendation Group endorsement meetings.
- **Streamlined Voting:** Revised voting requirements to make the process more efficient.
- **Public Comment Sessions:** Introduced Public Comment Listening Sessions to improve endorsement meeting efficiency and broaden participation in measure evaluation.
- **Endorsement Results:** Provided summaries of endorsement results for measures submitted in Fall 2023, Spring 2024, and Fall 2024 E&M cycles.
- **Quality Measurement Gaps:** Summarized quality measurement gap areas based on evaluations during these cycles.

In this section, we also provide summaries of the endorsement results of measures submitted to Battelle for the Fall 2023, Spring 2024, and Fall 2024 E&M cycles and summaries of quality measurement gap areas based on the measure evaluations during these cycles.



Additional details about the E&M process can be found in the E&M Guidebook on the PQM website www.p4qm.org.

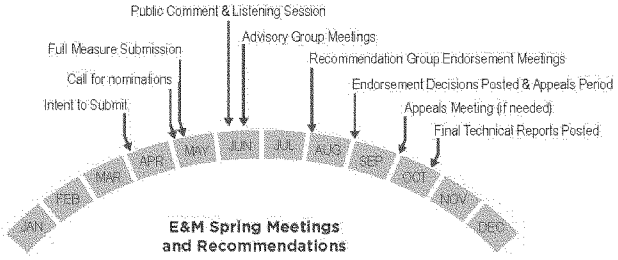


Figure 11. E&M Spring Timeline

3.1 Endorsement and Maintenance (E&M) Overview

The E&M process ensures that measures submitted for endorsement are:

- **Evidence-Based:** Measures are grounded in scientific research and current professional knowledge.
- **Scientifically Sound:** Measures are reliable and valid, producing consistent and credible results.
- **Safe and Effective:** Measures should increase the likelihood of desired health outcomes without increasing the risk of adverse outcomes.

During each E&M cycle, an E&M committee reviews submitted measures and decides on their endorsement status:

- **Endorsed:** Fully approved measures.
- **Endorsed with Conditions:** Measures are approved with specific conditions or actions recommended by the committee, such as additional evaluations or feedback mechanisms.
- **Endorsement Removed:** Applicable to maintenance measures only.
- **Not Endorsed:** Applicable to new measures only.

The "endorsed with conditions" category allows for endorsement with recommended actions for the developer to undertake before the next maintenance cycle, ensuring continuous improvement and alignment with health care goals.

Committees evaluate measures for endorsement across four required domains. The four domains are:

Importance: Extent to which the measure is evidence based AND is important for making significant gains in health care quality or cost where there is variation in or overall less-than-optimal performance.

Feasibility: Extent to which the measure specifications (i.e., numerator, denominator, exclusions) require data that are readily available OR could be captured without undue burden AND can be implemented for performance measurement.

Scientific Acceptability (i.e., Reliability and Validity): Extent to which the measure, as specified, produces consistent (reliable) and credible (valid) results about the quality of care when implemented.

Use and Usability: Extent to which potential audiences (e.g., consumers, purchasers, providers, and policymakers) are using or could use measure results for both accountability and performance improvement to achieve the goal of high-quality, efficient health care for individuals or populations.

Appendix D of the E&M Guidebook describe these domains and provide guidance on the interpretation and application of the PQM Measure Evaluation Rubric.

3.2 Enhanced E&M Process

In the Fall 2023 cycle, Battelle made several enhancements to the E&M process, which were detailed in the 2023 Congressional report. These enhancements included streamlining the process to a 6-month timeline (Figures 11 and 14 [fall and spring timelines]).

In response to feedback from the Fall 2023 cycle, Battelle implemented several key enhancements for the Spring 2024 E&M cycle while maintaining the streamlined 6-month process and the attention on focused facilitation. These enhancements aim to improve engagement and participation, reduce burden, and clarify roles within the E&M process:

- **Host Separate Advisory Group Meetings:** To enhance engagement and allow Advisory Group members to ask questions and share feedback verbally.
- **Conduct Public Comment Listening Sessions:** To increase accessibility and public input before endorsement meetings.
- **Change in Recommendation Group Size and Voting Requirements:** To streamline decision-making and ensure balanced participation.

These updates are designed to enhance the engagement and participation of Advisory Group members and the public, reduce the burden on E&M committee members, and clarify the roles of the Advisory and Recommendation Groups (Figure 12).

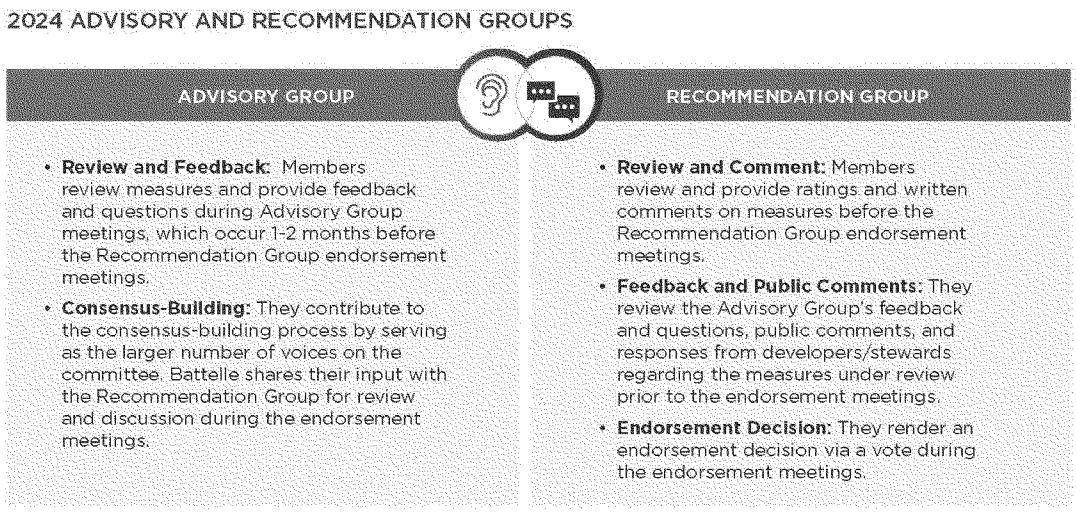


Figure 12. Spring 2024 Cycle Enhancements: Roles of Advisory and Recommendation Group Members

3.2.1 Added Advisory Group Meetings

To enhance the ability of Advisory Group members to raise questions and to verbally share perspectives regarding the measures under endorsement review, we convened separate meetings for the Advisory Group members for each committee 1–2 months prior to the endorsement meetings. Key elements of these meetings include:

- **Measure Review:** Advisory Group members reviewed assigned measures and participated in virtual meetings to discuss the strengths and limitations of the measures.
- **Discussion and Feedback:** Members were able to ask questions and provide comments, but endorsement voting did not occur during these meetings.
- **Involvement of Other Stakeholders:** Recommendation Group members and measure developers/stewards were invited and encouraged to attend these meetings to listen to the discussions.
- **Summary for Consideration:** The Recommendation Group received a summary of the Advisory Group's questions, feedback, and developer/steward responses to consider in advance of the E&M endorsement meetings.

This approach was designed to improve engagement and ensure that the Advisory Group's insights were effectively integrated into the endorsement process.

3.2.2 New Voting Guidelines

In the Fall 2023 cycle, both the Advisory Group and Recommendation Group participated in voting during the E&M committee endorsement meetings. However, with the implementation of separate Advisory Group meetings, we adjusted the voting requirements so that only the Recommendation Group votes during the endorsement meetings. This change aligns with the PRMR process and reduces the potential burden associated with attendance and the risk of not meeting quorum, which can necessitate collecting votes offline.

To accommodate these changes, we increased the Recommendation Group size to 20-25 individuals by recruiting members from the respective E&M committee's Advisory Group to serve on the Recommendation Group for the Spring 2024 cycle. This increase in size helps maintain the balance of voices and perspectives, as outlined in the E&M Guidebook. For future cycles, we plan to replenish the full capacity of the E&M committees through the 2024 CBE nominations period.

Recommendation Group perspective goals are outlined in Table 6 of the E&M Guidebook. More information about the nominations process for E&M committees can be found in the E&M Guidebook. Public Comments Related to the New E&M Process

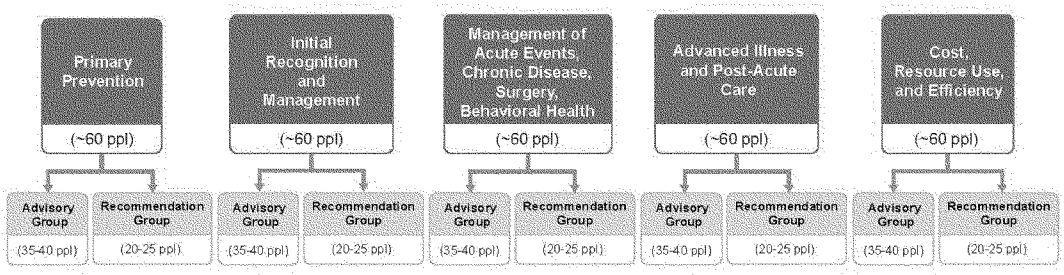


Figure 13. E&M Committee Structure

3.3 Annual Endorsement Results

Between February 2024 and February 2025, Battelle convened E&M project committees to review and render endorsement decisions on quality and/or cost/resource use measures submitted to the Fall 2023, Spring 2024, and Fall 2024 E&M cycles. A total of 95 measures were submitted for endorsement consideration during this period. Of these, 56 measures were submitted to the Fall 2023 and Spring 2024 cycles. The E&M committees reviewed 38 of these 56 measures, while 18 measures were withdrawn due to requests from developers/stewards to defer measures to a future cycle or because the measure's endorsement was no longer maintained by the measure steward (as detailed in Table 3 and Table 4).

The remaining 39 of the 95 measures were submitted to the Fall 2024 cycle (as shown in Table 5). Because the Fall 2024 endorsement meetings are scheduled for February 2025, the results of these endorsement decisions will be included in next year's report.

FALL 2023 CYCLE MEASURES

The Fall 2023 cycle received a total of 27 measures, which included eight new measures and 19 maintenance measures. Of these, developers/stewards withdrew 11 measures due to requests to defer them to a future cycle or because they were no longer pursuing endorsement, as detailed in Table 3.

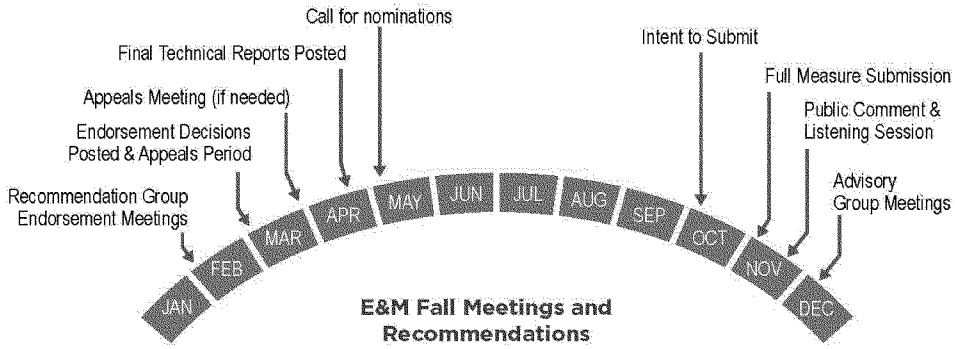


Figure 14. E&M Fall Timeline

Table 3. Overview of Fall 2023 CBE Endorsement Decisions by E&M Cycle and Project

E&M Project	Number of Measures Submitted	Number of Measures Reviewed	Number of Measures Withdrawn	Endorsement Decision Counts
Fall 2023	**27**	**16**	**11**	Endorsed: 5 *(2 maintenance/3 new)*
				Endorsed with Conditions: 6 *(5 maintenance/1 new)*
				Not Endorsed/Endorsement Removed: 5 *(2 maintenance/3 new)*
Primary Prevention	3	1	2	Endorsed: 0
				Endorsed with Conditions: 1
				Not Endorsed/Endorsement Removed: 0
Initial Recognition and Management	3	3	0	Endorsed: 0
				Endorsed with Conditions: 1
				Not Endorsed/Endorsement Removed: 2
Management of Acute Events, Chronic Disease, Surgery, and Behavioral Health	11	5	6	Endorsed: 3
				Endorsed with Conditions: 1
				Not Endorsed/Endorsement Removed: 1
Advanced Illness and Post-Acute Care	4	4	0	Endorsed: 1
				Endorsed with Conditions: 3
				Not Endorsed/Endorsement Removed: 0
Cost and Efficiency	6	3	3	Endorsed: 1
				Endorsed with Conditions: 0
				Not Endorsed/Endorsement Removed: 2

SPRING 2024 CYCLE MEASURES

The Spring 2024 cycle received a total of 29 measures, which included six new measures and 23 maintenance measures. Of these, developers/stewards withdrew seven measures due to requests to defer them to a future cycle, as detailed in Table 4.

In Spring 2024, six measures were submitted for endorsement review within Advanced Illness and Post-Acute Care category. Among these, CBE #2967 – Home and Community-Based Services (HCBS) Consumer Assessment of Healthcare Providers and Systems (CAHPS®) Measure contains 19 individual measures. Per the Policy on Instrument-based Clinical Quality Measures, the CBE does not endorse survey instruments. Rather, the CBE reviews and endorses measures derived from survey instruments in which survey assessments are aggregated to an accountable entity. Consequently, each of the 19 measures derived from the HCBS CAPHS survey instrument were reviewed and endorsed separately. Seventeen of the measures received an Endorsed with Conditions decision and the remaining two measures were not endorsed due to no consensus

Table 4. Overview of Spring 2024 CBE Endorsement Decisions by E&M Cycle and Project

E&M Project	Number of Measures Submitted	Number of Measures Reviewed	Number of Measures Withdrawn	Endorsement Decision Counts
Spring 2024	**29**	**22**	**7**	Endorsed: 4 *(3 maintenance/1 new)*
				Endorsed with Conditions: 16 *(15 maintenance/1 new)*
				Not Endorsed/Endorsement Removed: 2 *(0 maintenance/2 new)*
Primary Prevention	1	1	0	Endorsed: 0
				Not Endorsed/Endorsement Removed: 1
				Approved for Trial Use: 0
				Sent Back for Reconsideration: 0
Initial Recognition and Management	6	4	2	Endorsed: 0
				Not Endorsed/Endorsement Removed: 2
				Sent Back for Reconsideration: 2
Management of Acute Events, Chronic Disease, Surgery, and Behavioral Health	9	5	4	Endorsed: 4
				Not Endorsed/Endorsement Removed: 1
				Sent Back for Reconsideration: 0
Advanced Illness and Post-Acute Care	6*	6*	0	Endorsed: 0
				Endorsed with Conditions: 6
				Not Endorsed/Endorsement Removed: 0
Cost and Efficiency	7	6	1	Endorsed: 0
				Endorsed with Conditions: 6
				Not Endorsed/Endorsement Removed: 0

* *For this cycle, six measures were submitted for endorsement review; however,* CBE #2967 – Home and Community-Based Services (HCBS) Consumer Assessment of Health care Providers and Systems (CAHPS®) Measure *contains 19 individual measures. Per the* Policy on Instrument-based Clinical Quality Measures, *the CBE does not endorse survey instruments. Rather, the CBE reviews and endorses measures derived from survey instruments in which survey assessments are aggregated to an accountable entity. Thus, each of the 19 measures derived from the HCBS CAPHS survey instrument is reviewed and endorsed separately. Seventeen of the measures received an Endorsed with Conditions decision and the remaining two measures were not endorsed due to no consensus.*

FALL 2024 CYCLE MEASURES

The Fall 2024 cycle received a total of 39 measures, which included 24 new measures and 15 maintenance measures, as detailed in Table 5. During this cycle, developers/stewards withdrew two measures: one was deferred to a future cycle, and the other was combined with another Fall 2024 measure due to a similar measure focus but different care setting. The five E&M project committees are scheduled to render endorsement decisions for these measures in February 2025, and the results will be incorporated into next year's report.

Table 5. Overview of Fall 2024 CBE Endorsement Decisions by E&M Cycle and Project

E&M Project	Number of Measures Submitted	Number of Measures Reviewed	Number of Measures Withdrawn	Endorsement Decision Counts
Fall 2024	**39**	**28**	**11±**	*To be determined in February 2025*
Primary Prevention	1	1	0	*To be determined in February 2025*
Initial Recognition and Management	8	5	3±	*To be determined in February 2025*
Management of Acute Events, Chronic Disease, Surgery, and Behavioral Health	11	11	0	*To be determined in February 2025*
Advanced Illness and Post-Acute Care	15	8	7	*To be determined in February 2025*
Cost and Efficiency	4	3	1	*To be determined in February 2025*

± For the Fall 2024 cycle, developers/stewards withdrew two measures; one was deferred to a future cycle and the other was combined with another Fall 2024 measure due to a similar measure focus but different care setting.

3.4 Quality Measurement Gap Areas and Evidence Needs

In addition to the enhancements to the E&M process, the E&M committee identified several key themes in their reviews, highlighting gaps in quality measurement and the need for more robust evidence. The committee emphasized the importance of developing measures that capture the maintenance of a person's function—defined as their ability to perform normal daily activities required to meet basic needs, fulfill usual roles, and maintain health and well-being—not just improvement. They also advocated for expanding outpatient procedural measures to include younger (i.e., those under 65 years of age) Medicare Advantage and Medicare fee-for-service patients, as well as extending substance use disorder treatment measures to individuals under 18 years old). The committee also noted the role of pharmacists in the care delivery process as crucial and underscored the need for their services to be included in measurement. Currently, pharmacists are not considered eligible providers under the Social Security Act and thus cannot seek direct reimbursement for certain services. Therefore, pharmacists are not generally reflected in measures.

Furthermore, there is a recognized need from the quality measurement community for enhanced guidance for developers/stewards in creating effective measure logic models and expansion of evaluation domains. To address these needs, Battelle is developing comprehensive guidance to assist developers/stewards in designing logic models that clearly delineate the pathway from measure inputs to desired outcomes, ensuring that measures not only adhere to high standards of effectiveness and safety but also actively contribute to reducing health disparities.



3.4.1 Quality Measurement Gap Areas

Maintenance of Function vs. Improvement: The Advanced Illness and Post-Acute Care committee reviewed several measures that focused on improvement in function related to ambulation (CBE #0167), bathing (CBE #1074), bed transferring (CBE #0175), and medication management (CBE #0176) in the home care setting. The committee emphasized the value of measures that monitor both maintenance and improvement of function. Both the Advisory and Recommendation Groups discussed the complexity of improvement, describing it as a multidimensional concept. They noted that individuals may have mobility issues for various reasons, requiring different care approaches. The Recommendation Group further highlighted that improvement can sometimes lead to negative consequences for some individuals, making maintenance a more appropriate goal. The developer acknowledged the importance of maintaining versus improving and has begun incorporating this concept into new measures, including a cross-setting discharge function measure for inpatient rehabilitation facilities (IRF), skilled nursing facilities (SNF), long-term acute care hospitals (LTACH), and home health, finalized in last year's home health final rule. However, the committee stressed the importance of having measures relevant to home health patients for whom improvement is not expected.

Adding Medicare Advantage Beneficiaries and Those Less than 65 Years of Age: During the review of several outpatient procedure measures focusing on hospitalizations after general surgery (CBE #3357), urology surgery (CBE #3366), orthopedic surgery (CBE #3470), and colonoscopy (CBE #2539), the Cost and Efficiency committee discussed the importance of including Medicare Advantage patients and patients under the age of 65 in the measure population. Recommendation Group members expressed disappointment that the measure population excluded Medicare Advantage patients, whose numbers are growing. The developer explained that data on Medicare Advantage patients were not included due to limited availability and that expanding the measure's population requires approval and resource allocation by CMS.

Regarding Medicare patients under 65, patient partners questioned their exclusion. Recommendation Group members acknowledged that these patients often have different health statuses, complex conditions, and disabilities, which could skew results. The developer noted that including those under 65 poses challenges due to their higher burden of disability, complicating risk adjustment. Additionally, the proportion of under-65 Medicare patients receiving procedures in ambulatory surgical centers (ASCs) is lower, suggesting that adding this population might be more relevant in inpatient and hospital outpatient department (HOPD) settings.

Recognizing the importance of both populations, Recommendation Group members suggested further exploration of the ASC population to determine if Medicare patients under 65 frequently use ASCs for these procedures. They also recommended that the developer and CMS consider expanding the measure to include the Medicare Advantage population.

Acknowledge Pharmacists as Providers: During the review of CBE #3455 Timely Follow-Up After Acute Exacerbations of Chronic Conditions, the Management of Acute Events and Chronic Conditions committee suggested expanding visit eligibility in the measure to include pharmacist-led visits and Medicare Wellness visits. They also questioned whether provider types could be specifically identified. The developer responded by explaining that the measure allows a wide range of providers to fulfill the follow-up visit requirement, with over 180 codes covering various visit types, such as rehabilitation, behavioral health, telehealth, and home visits. However, committee members highlighted that pharmacists are excluded from being recognized as providers. They expressed that this exclusion limits the ability to fully capture pharmacists' contributions to patient care, potentially undermining comprehensive care delivery.

Importance of Expanding Continuity of Care to Other Populations: During its review of CBE #3453 Continuity of Care After Inpatient or Residential Treatment for Substance Use Disorder, the Advanced Illness and Post-Acute Care committee recognized the importance of ensuring follow-up treatment services for individuals discharged for substance use disorder (SUD). However, both the Advisory and Recommendation Groups emphasized the need to expand the measure to include individuals under 18 years of age and those with private insurance. Currently, the measure is limited to Medicaid beneficiaries aged 18-64 due to the scope of the developer's contract. Expanding to other payers and patient populations requires approval and resource allocation by CMS. The committee stressed that broader use of the measure would increase continuity of care for more individuals, especially those disproportionately affected.

3.4.2 Evidence Needs

Logic Model Guidance: Under Battelle's E&M process, measure developers and stewards must provide a logic model that succinctly outlines how specific inputs and activities lead to desired outcomes and impacts related to quality improvement. The measure focus should generally align with an outcome, regardless of the measure type (e.g., structure, process, outcome). The logic model serves as a framework to increase the likelihood of achieving the measure's focus by considering the most plausible investments and actions, while also accounting for potential feedback loops, key assumptions, and external factors. A lack of a clear measure logic model often challenges reviewers in understanding how the measure fits into an overall quality construct and aligns with the measure's intent during validity testing.

The Blueprint Measure Lifecyle content on the MMS Hub provides general guidance in related areas such as information gathering and business case development, but it does not directly address development of measure logic models. To address this gap, we are developing guidance to support measure developers and stewards in creating comprehensive and effective logic models. This guidance will include best practices for identifying and defining key components of the logic model, such as inputs, activities, outputs, outcomes, and impacts. It will also offer strategies for incorporating feedback mechanisms and considering external factors that may influence the measure's success. Additionally, the guidance will provide examples of well-constructed logic models to help developers and stewards visualize and understand the components and relationships within their measures. By enhancing the clarity and effectiveness of measure logic models, we aim to improve the ease of review and the overall quality of measures endorsed under Battelle's process. This initiative will ultimately contribute to more targeted and impactful quality improvement efforts within the health care system.

Responsive to Variations: Pursuant §1890(b)(2) of the SSA, the CBE shall consider if measures are responsive to variations in patient characteristics, Battelle has engaged stakeholders in understanding how quality measurement can improve quality, reduce burden, and prevent unintended consequences. Health care quality measurement is essential for evaluating and enhancing the performance of health care providers and systems in the U.S., ensuring that patients receive safe, effective, and patient-centered care.

Despite its importance, traditional quality measurement continues to face challenges in fully addressing variations in health outcomes among different sub-populations. Battelle's E&M process reviews measures for endorsement consideration to ensure they are evidence-based, scientifically sound, and both safe and effective. This means the use of the measure will increase the likelihood of desired health outcomes, will not increase the likelihood of unintended adverse health outcomes, and is consistent with current professional knowledge. To that end, during the Fall 2023 E&M cycle developers and stewards were asked to describe how their measure contributes to advancing health across sub-populations.

To support developers and stewards in addressing this challenge, we are developing guidance to assist them in effectively incorporating these considerations into their measures. Battelle aims to ensure that measures not only meet high standards of effectiveness and safety but also actively contribute to reducing variations in health outcomes due to patient characteristics.

4.0 Multi-Stakeholder Engagement: Pre-Rulemaking Measure Review (PRMR)

Section 1890A(a) of the SSA states "The Secretary shall establish a pre-rulemaking process under which the following steps occur with respect to the selection of quality and efficiency measures described in §1890(b)(7)(B)." Pursuant to §1890(b)(7), the entity with a contract under §1890 (Battelle) shall convene multi-stakeholder groups to provide input to the Secretary on the selection of quality and efficiency measures described in subparagraph (B).

Pursuant to §1890A(2), the Secretary of HHS is required to publish a list of quality and efficiency measures being considered for a CMS program. Battelle convenes stakeholders to review and make recommendations on the published measures. By February 1, Battelle must publish those recommendations.

Battelle convenes stakeholders for the purpose of making recommendations on the selection of quality and efficiency measures in accordance with the statute via the PRMR process. In a separate but related MSR process, Battelle convenes stakeholders to consider measure discontinuation.

4.1 Pre-Rulemaking Measure Review (PRMR) Overview

The PRMR process is conducted annually to provide recommendations to HHS on selecting quality and efficiency measures under consideration (MUC) for use by HHS. This process supports consensus recommendations, on each measure, to CMS quality reporting and value-based programs. A measure is deemed appropriate for use in a specific CMS program and population of Medicare beneficiaries (e.g., Skilled Nursing Facility Quality Reporting Program) if it is:

- Meaningful
- Tailored to specific program or population needs
- Balanced and scaled to meet program-specific goals
- Demonstrates a clear vision of near- and long-term program impacts

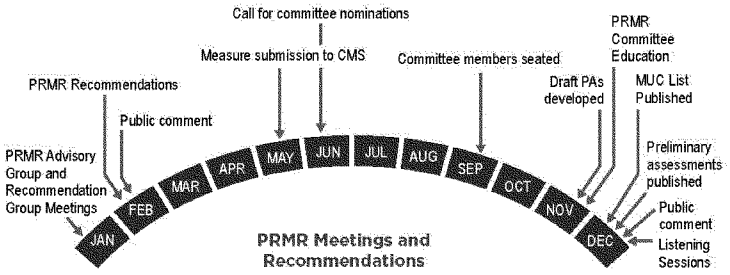


Figure 15. PRMR Timeline

The Measures Management System website (MMS Hub) provides detailed information on the process, purpose, and timeline of the MUC process.

While the PRMR and MSR processes are similar in approach, they have distinct goals and purposes, as shown in Table 6 and Figure 16. Both processes are structured to foster collaboration and balance the input of various interested parties, enabling committees to generate well-informed recommendations regarding measures to be included or removed from a specific CMS reporting program.

PRMR Process: The primary objective is to assess the appropriateness of the measures included on the MUC List, specifically in the context of the program and population for which they are being considered. It is structured to ensure collaboration and focus on specific programs and populations.

MSR Process: In contrast, the MSR process conducts a voluntary review of the relative strengths and weaknesses of CMS's current measure portfolio. It evaluates how the removal of an individual measure would reduce redundancy or create a measurement gap. Compared to the PRMR process, the MSR process is less structured, allowing for a more holistic review involving qualitative assessment of portfolios of measures across programs, guided by input from interested parties (Figure 16). The MSR process is detailed further in Section 5.0 of this report.

Table 6. Overview of PRMR and MSR Processes

	Pre-Rulemaking Measure Review (PRMR)	Measure Set Review (MSR)
Goal	To achieve consensus regarding MUC list measures as to whether they are reasonable and necessary to CMS programs and target populations	To build consensus around measure removal recommendations through the identification of opportunities for optimization of the CMS measure portfolio
Requirement	Process required by statute on federal rulemaking process	None, though the process in enabled by statute
Focus	Within targeted program and population (though in future cycles, the process may look across programs in the interest of alignment and burden reduction	Across the entire CMS measure portfolio
Approach	Evaluate the appropriateness of each measure for a specific intended use	Evaluate purpose of measures in the context of the program portfolio and how the purpose might best be achieved
Evaluation Criteria	1. **Meaningfulness:** Measure is evaluated and tailored to unique needs of specific program-target population 2. **Appropriateness of scale:** measure portfolio is balanced and scaled to meet target program- and population-specific goals, specifically, measure is evaluated in the context of all the measures currently within the program measure portfolio 3. **Time-to-value realization:** measure has plan for near- and long-term positive impacts on the targeted program and population as measure matures	1. **Impact:** Measure set evaluated across program, target population, and time 2. **Clinician data streams:** measure set redundancy in data streams is identified and mitigated, specifically by evaluating the burden associated with reporting the measure, considering other related measures 3. **Patient journey:** measure set redundancy is identified and mitigated, specifically, by evaluating if the measure addresses the right aspect of care, in the right setting, and at the right point in a in patient's journey to maximize the desired outcome

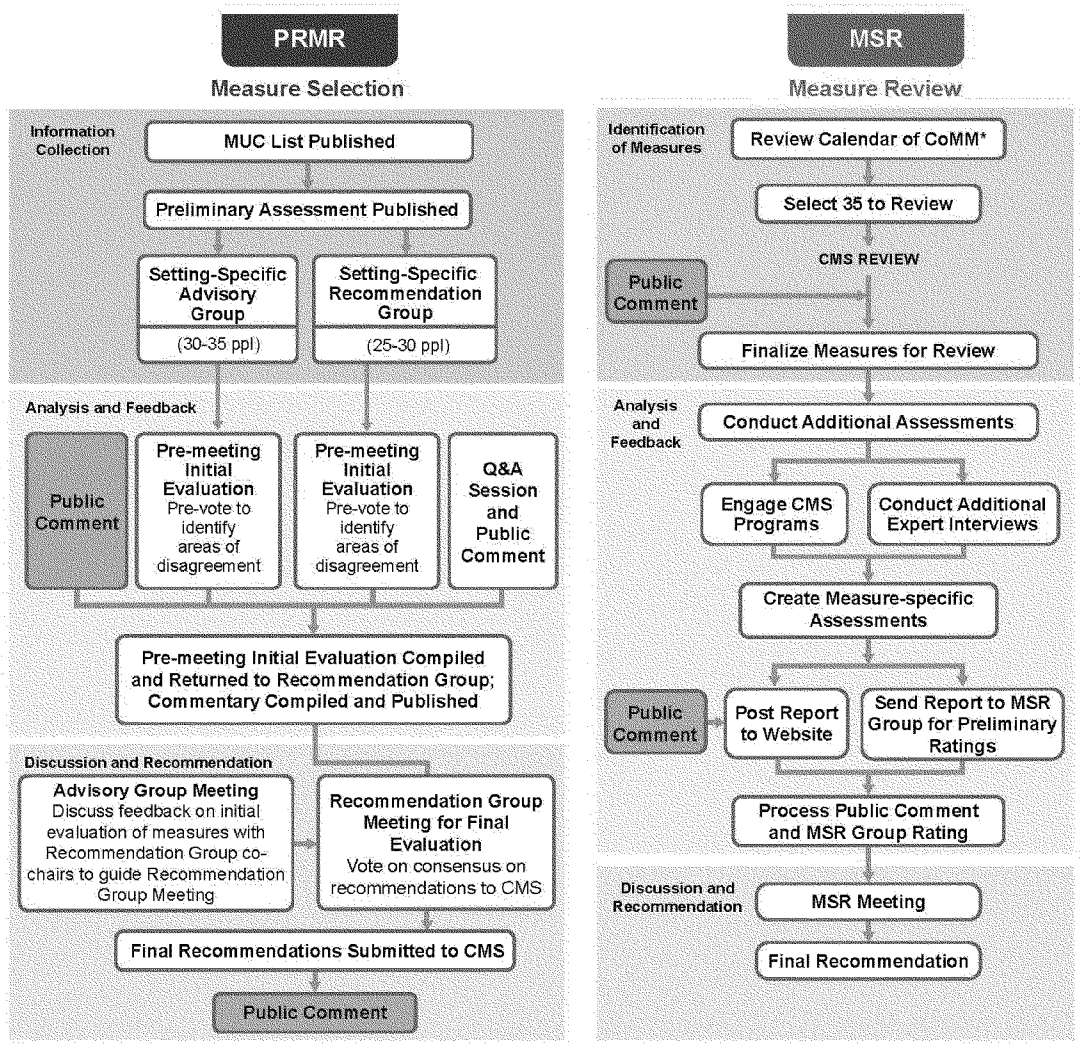


Figure 16. Comparison of Workflows in PRMR and MSR Committee Activities.

4.2 Enhanced PRMR Process

Battelle convened PRMR/MSR committee members, CMS, and other federal partners in Baltimore in April 2024 for the PQM Measure Strategy Summit. The summit aimed to gather feedback on the 2023-2024 PRMR cycle, share the PQM measure strategy and CMS measurement priorities, and obtain input from committees on measure selection for the 2024 MSR cycle.

Based on feedback, Battelle implemented a number of changes to PRMR for the 2024-2025 cycle. The revised Guidebook of Policies and Procedures for Pre-Rulemaking Measure Review (PRMR) and Measure Set Review (MSR), published in July 2024, reflects these changes. Enhancements focus on refining processes for obtaining committee input, adding clarity to conditions on recommendations, and developing policies for review of instrument-based measures.

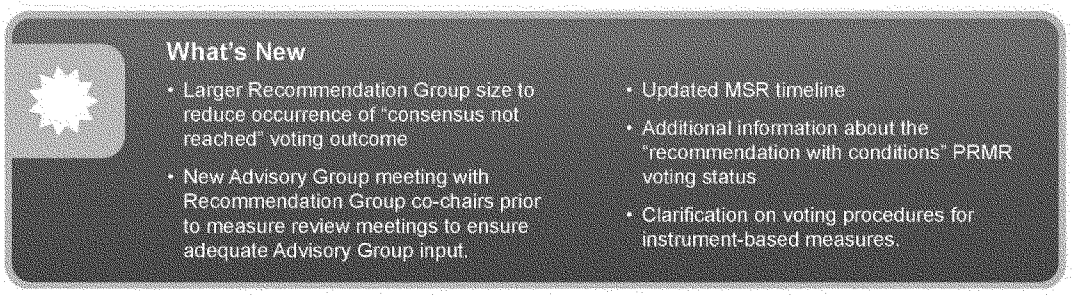
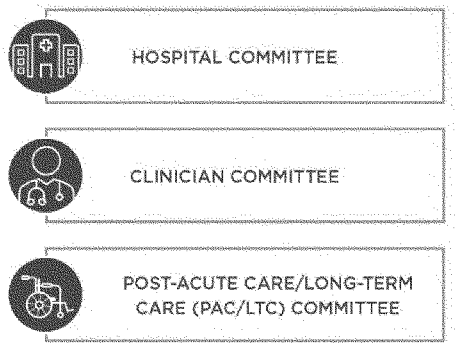


Figure 17. Improvements in PRMR Process For 2024-2025 Cycle.

4.2.1 Obtaining Committee Input

Battelle implemented several steps to enhance the efficiency and effectiveness of committee input. At the 2024 PQM Measure Strategy Summit, Battelle introduced a brief at-a-glance format for sharing summary information on measures with committee members. This summary, called a preliminary assessment, provides information on measure characteristics and potential or realized impact. It was created in response to committee feedback from the 2023-2024 PRMR cycle regarding the volume and complexity of summarized measure information.



Additionally, the committee provided feedback on a shortened pre-meeting evaluation form to capture their initial thoughts on measures under review. Collecting this input in writing helps Battelle meeting facilitators focus the committee recommendation discussion on areas with the greatest disagreement. Together, these revisions ensure that PRMR committee members, including patients, have accessible information about the measures under review and can provide meaningful input into the process.

Meaningfulness

- Data describing the evidence of importance, scientific acceptability, feasibility, usability, and use for the target population and entities of the program under consideration

Appropriateness of Scale

- Data describing the implementation of the measure for patients/recipients of care addressed by the program
- Data describing the appropriateness of the measure for evaluating measured entities

Time to Value Realization

- Data demonstrating the measure will have short- and long-term positive impacts in the targeted program and/or in the targeted population

Like the E&M process, Battelle began using a Novel Hybrid Delphi and Nominal Groups technique[1] for pre-rulemaking measure reviews. Each PRMR committee consists of an Advisory (Delphi) Group and a Recommendation (Nominal) Group, each with specific roles in evaluating and voting on measures. Only Recommendation Group members vote on measures. To ensure meaningful feedback from Advisory Group members, they meet with their respective Recommendation Group co-chairs to discuss their measure feedback and raise discussion points. This feedback is then carried over to the subsequent Recommendation Group measure review meetings in January 2025. Advisory Group members provide both written feedback and oral comments directly to Recommendation Group co-chairs, strengthening the number of voices contributing to the PRMR process.

Comments received from committee members at the 2024 PQM Measure Strategy Summit highlighted the enhanced PRMR and MSR process's strengths, including transparency, strong facilitation, and collaboration with new groups of interested parties.

SAMPLE COMMENTS RECEIVED DURING THE 2024 PQM MEASURE STRATEGY SUMMIT

"Transparency in all processes."

"Committee discussions."

"The materials were well organized and shared with PRMR members well in advance."

"Bringing together a wide range of stakeholders."

"Collaboration with measure developers, clinical practitioners, and patients."

"Timely and relevant communication."

"An enormous number of measures were reviewed, efficient process."

"Multiple perspectives and collaboration."

"Well-organized good patient and clinician input."

"Very well organized and led to meaningful results."

"Collaborative mutual learning opportunities as well as constructive discussions."

"Diverse voices/input. Not automatically accepting measures just because."

1 *Davies S, Romano PS, Schmidt EM, Schultz E, Geppert JJ, McDonald KM. Assessment of a novel hybrid Delphi and nominal groups technique to evaluate quality indicators. Health Services Research. 2011 Dec;46(6pt1):2005-18. https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1475-6773.2011.01297.x*

4.2.2 Maximizing Voting Outcomes

Following committee evaluations, discussions, and votes, CMS receives one of three recommendations for each measure:

- **Recommend:** The committee recommends CMS add the measure to the specified program as presented.
- **Recommend with conditions:** The committee recommends CMS add the measure to the specified program with the consideration of conditions such as additional testing or submission for endorsement by a CBE.
- **Do not recommend:** The committee does not recommend CMS add the measure into the specified program.

To reach a consensus recommendation, at least 75% of the voting committee members must agree on one of the three options. If this threshold is not met, consensus is not reached. In the 2023-2024 cycle, the PRMR committee reached this voting outcome for 20 of 52 measures.

To ensure CMS receives meaningful recommendations alongside qualitative information from the committees, Battelle expanded the Recommendation Group size within each committee from 18-20 to 25-30 members. This increase enhances the likelihood of achieving consensus while maintaining the 75% threshold for defining consensus.

Recommendation Group members expressed confusion about what constitutes a condition that would lead them to fully recommend a measure. In response, additional details were added to the 2024 Guidebook, providing examples of shorter-term (e.g., stratified reporting) and longer-term conditions (e.g., respecifying the numerator). It clarifies that Recommendation Group members do not need to agree on conditions. Instead, each member who votes to recommend with conditions is asked to supply, orally or in writing, the relevant condition(s) they believe should precede the measure's implementation in a CMS program. These conditions are shared with CMS for consideration in the PRMR Recommendations Report.

Together, the larger Recommendation Group size and clarity around conditions for recommendation strengthen the voting outcomes from the PRMR process.

As seen in Figure 18, each 2024-2025 PRMR committee has approximately 60 members. Each committee is comprised of patients, clinicians, facilities, purchasers, population health experts, researchers, and other interested parties.

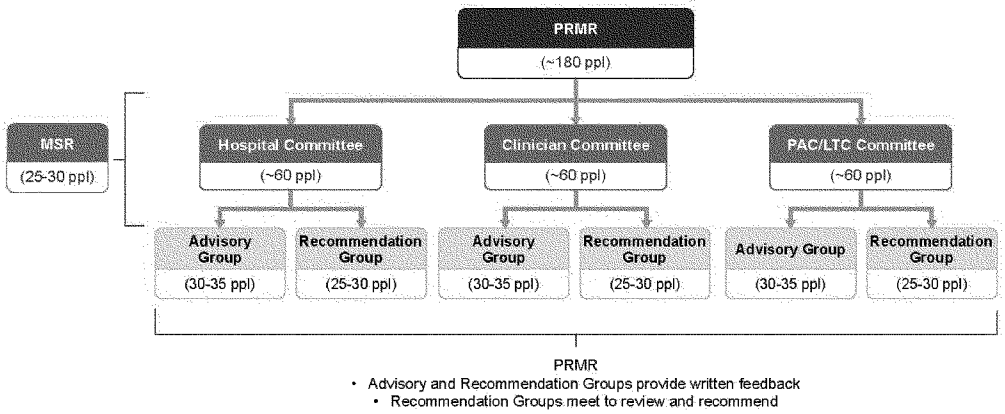


Figure 18. 2024–2025 PRMR Committee Structure

4.2.3 Public Engagement

During the 2023-2024 PRMR cycle, the public had two types of opportunities to comment on MUC List measures:

- **Written comments:** The public could provide written comments from December 1 to December 22. All comments were published on the public PQM website.
- **Verbal comments:** Battelle facilitated listening sessions for spoken comments, allowing the public and committee members to ask CMS questions about specific measures on the MUC List.

Additionally, after final recommendations were made, the public could submit written comments for CMS's further consideration. These post-recommendation comments did not influence the final recommendations but provided additional feedback on the measures.

4.3 PRMR Engagement

After posting the final recommendations on MUC List measures for the 2023-2024 PRMR Cycle in February 2024, 161 written public comments were received via the PQM website. These comments offered CMS further insights into the measures under consideration.

For the 2024-2025 cycle, Battelle has completed two rounds of public comment related to the 2024 MUC List:

- A written public comment period from November 25 through December 30, receiving 239 comments from 92 professional organizations, academic institutions, foundations, and patients/patient representatives.
- Three setting-specific listening sessions for spoken public comments, with robust attendance: 270 attendees (Hospital session), 211 attendees (Clinician session), and 104 attendees (PAC/LTC session). During these sessions, 51 attendees voiced comments or questions, engaging with CMS and PQM leadership.

4.4 Annual PRMR Results from the 2023 Measures Under Consideration

In 2023, 42 measures were published on the MUC List. Of these:

- 19 measures were assigned to the Clinician Committee
- 22 measures were assigned to the Hospital Committee
- 3 measures were assigned to the Post-Acute Care/Long-Term Care (PAC/LTC) Committee.
- 2 measures, MUC 199 and MUC 210, were proposed for programs under both Clinician and Hospital committees.

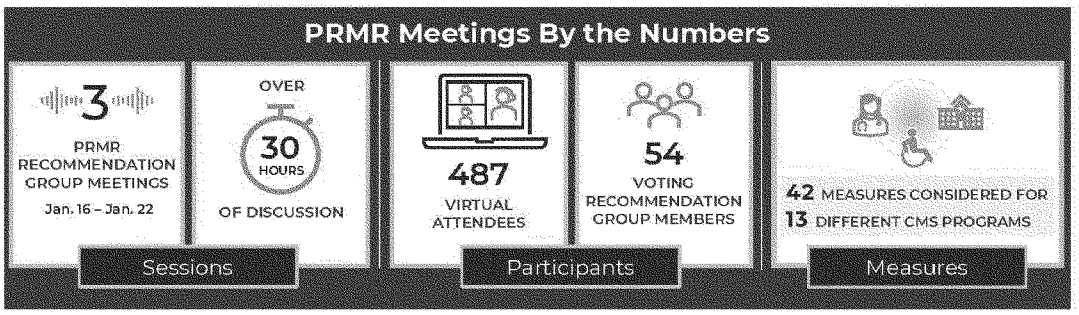


Figure 19. 2023–2024 PRMR Meetings by the Numbers

The PRMR process involves a series of meetings and communications to achieve consensus recommendations for CMS quality reporting and value-based programs. Key elements include:

Public Engagement: A 21-day call for public comment was held via the PQM website, allowing stakeholders to provide written feedback on the measures under consideration. In parallel, a series of setting-specific listening sessions were conducted virtually over Zoom. These sessions provided an opportunity for verbal comments and questions from the public and committee members, facilitating direct engagement with CMS, Battelle and PQM committee members.

Preliminary Measure Assessment: Battelle staff conducted a preliminary assessment (PA) for each measure to provide committee members with a standardized baseline evaluation, facilitating efficient review.

Committee Evaluation: Advisory and Recommendation Group members reviewed the PAs and participated in Round 1 Evaluations to assess initial strengths and areas of concern and generate a starting point for discussion during the Recommendation Group meetings.

Recommendation Group Discussion: Over three meetings spanning five days, Recommendation Group members from the Clinician, Hospital, and PAC/LTC committees, along with CMS leadership and measure developers, evaluated 42 measures for 13 CMS programs.

PRMR Votes and Outcomes: Table 7 outlines the final votes of the Recommendation Group for each CMS program.

Table 7. PRMR Recommendations for 2023 Measures Under Consideration by Program

Program	MUC ID	Measure Title	Recommendation	Conditions (if specified)
Ambulatory Surgical Center Quality Reporting Program (ASCQR)	MUC2023-156	Screening for Social Drivers of Health (SDOH)	Recommend with conditions	The committee did not provide program specific conditions.
	MUC2023-171	Screen Positive Rate for Social Drivers of Health (SDOH)	Consensus not reached	N/A
	MUC2023-175	Facility Commitment to Health Equity	Recommend	N/A
End-Stage Renal Disease Quality Incentive Program (ESRD QIP)	MUC2023-138	ESRD Dialysis Patient Life Goals Survey (PaLS)	Consensus not reached	N/A
Hospice Quality Reporting Program (HQRP)	MUC2023-163	Timely Reassessment of Pain Impact	Recommend with conditions	Conditions included further testing of the Hospice Outcomes and Patient Evaluation (HOPE) tool as well as endorsement of the measure by a consensus-based entity.
	MUC2023-166	Timely Reassessment of Non-Pain Symptom Impact	Recommend with conditions	Conditions included further testing of the HOPE tool as well as endorsement of the measure by a consensus-based entity.
	MUC2023-183, 191, 192	CAHPS® Hospice Survey [Consumer Assessment of Health care Providers and Systems]	Consensus not reached	N/A
	MUC2023-048	Hospital Harm - Falls with Injury	Recommend with conditions	Conditions included the measure obtaining consensus-based entity endorsement and ongoing monitoring of unintended consequences such as use of patient restraints and avoidance of life-saving procedures with higher risk for respiratory failure.
Hospital Inpatient Quality Reporting Program (Hospital IQR Program)	MUC2023-049	Thirty-day Risk-Standardized Death Rate among Surgical Inpatients with Complications (Failure-to-Rescue)	Recommend with conditions	Conditions included the measure undergoing consensus-based entity endorsement and the collection of data to evaluate possible unintended consequences.

Table 7. PRMR Recommendations for 2023 Measures Under Consideration by Program *(continued)*

Program	MUC ID	Measure Title	Recommendation	Conditions (if specified)
Hospital Inpatient Quality Reporting Program (Hospital IQR Program) (cont.)	MUC2023-050	Hospital Harm - Postoperative Respiratory Failure	Recommend with conditions	Conditions included the measure undergoing consensus-based entity endorsement and ongoing monitoring of unintended consequences such as use of patient restraints and avoidance of life-saving procedures with higher risk for respiratory failure.
	MUC2023-114	Global Malnutrition Composite Score	Recommend with conditions	Conditions included adding hospital-acquired malnutrition and high-risk nutritional practices in screening and assessment and the involvement of more patient groups in further work on this measure.
	MUC2023-139	Hospital Equity Index (HEI)	Consensus not reached	N/A
	MUC2023-146, 147, 148, 149	Hospital Patient Experience of Care	Recommend with conditions	Conditions included endorsement by a consensus-based entity, consideration to not extend survey length and remove overlapping items as the measures progress in the program, the use of adaptive questions in computerized administration to minimize items, and the use of a mechanism to monitor trends in performance data over time.
	MUC2023-188	Patient Safety Structural Measure	Recommend with conditions	Conditions included publication of an implementation guide that clearly documents how safety is measured and using data to narrow the scope before approving the measure for programs.
	MUC2023-196	Age-Friendly Hospital Measure	Consensus not reached	N/A
	MUC2023-199	Connection to Community Service Provider	Consensus not reached	N/A
	MUC2023-210	Resolution of At Least 1 Health-Related Social Need	Consensus not reached	N/A
	MUC2023-219	Central Line-Associated Bloodstream Infection (CLABSI) (Stratified for oncology locations)	Recommend with conditions	Conditions included encouraging CMS to evaluate data by oncology unit type and increase reporting time to allow lower-patient-volume facilities to report.

Table 7. PRMR Recommendations for 2023 Measures Under Consideration by Program *(continued)*

Program	MUC ID	Measure Title	Recommendation	Conditions (if specified)
Hospital Inpatient Quality Reporting Program (Hospital IQR Program) (cont.)	MUC2023-220	Catheter-Associated Urinary Tract Infection (CAUTI) (Stratified for oncology locations)	Recommend with conditions	Conditions included encouraging CMS to evaluate data by oncology unit type and increase reporting time to allow lower-patient-volume facilities to report.
Hospital Outpatient Quality Reporting Program (Hospital OQR Program)	MUC2023-156	Screening for Social Drivers of Health (SDOH)	Recommend with conditions	Conditions included that IQR and OQR programs report one set of measures per calendar year per facility.
	MUC2023-171	Screen Positive Rate for Social Drivers of Health (SDOH)	Consensus not reached	N/A
	MUC2023-172	Patient Understanding of Key Information Related to Recovery After a Facility-Based Outpatient Procedure or Surgery, Patient Reported Outcome-Based Performance Measure (Information Transfer PRO-PM)	Recommend with conditions	Conditions included specifying that the survey be administered at the time of the procedure so as not to conflict with collection of pain and function outcome measures.
	MUC2023-176	Hospital Commitment to Health Equity	Recommend with conditions	Conditions included the measure undergoing consensus-based entity endorsement, added instructions and information around attestation requirements, and ongoing data collection for further measure testing in low-patient-volume settings.
Hospital Readmissions Reduction Program (HRRP)	MUC2023-117	Excess Days in Acute Care (EDAC) after Hospitalization for Acute Myocardial Infarction (AMI)	Consensus not reached	Conditions included encouraging CMS to consider monitoring for unintended consequences and further testing related to health equity.
	MUC2023-119	Excess Days in Acute Care (EDAC) after Hospitalization for Heart Failure (HF)	Recommend with conditions	Conditions included exploring monitoring for unintended consequences and conducting further testing related to health equity.
	MUC2023-120	Excess Days in Acute Care (EDAC) after Hospitalization for Pneumonia (PN)	Recommend with conditions	Conditions included encouraging CMS to consider conditions such as monitoring for unintended consequences and further testing related to health equity.

Table 7. PRMR Recommendations for 2023 Measures Under Consideration by Program *(continued)*

Program	MUC ID	Measure Title	Recommendation	Conditions (if specified)
Hospital Value-Based Purchasing Program (HVBP)	MUC2023-146, 147, 148, 149	Hospital Patient Experience of Care	Recommend with conditions	Conditions included endorsement by a consensus-based entity, consideration to not extend survey length and remove overlapping items as the measures progress in the program, the use of adaptive questions in computerized administration to minimize items, and the use of a mechanism to monitor trends in performance data over time.
Inpatient Psychiatric Facility Quality Reporting Program (IPFQR)	MUC2023-181	30-Day Risk-Standardized All-Cause Emergency Department Visit Following an Inpatient Psychiatric Facility Discharge (IPF ED Visit measure)	Recommend with conditions	Conditions included endorsement by a consensus-based entity.
Medicare Promoting Interoperability Program for Eligible Hospitals (EHs) or Critical Access Hospitals (CAHs)(PI)	MUC2023-048	Hospital Harm - Falls with Injury	Recommend with conditions	Conditions included the measure undergoing consensus-based entity endorsement and ongoing monitoring of unintended consequences such as use of patient restraints and avoidance of life-saving procedures with higher risk for respiratory failure.
	MUC2023-050	Hospital Harm - Postoperative Respiratory Failure	Recommend with conditions	Conditions included the measure undergoing consensus-based entity endorsement and ongoing monitoring of unintended consequences such as use of patient restraints and avoidance of life-saving procedures with higher risk for respiratory failure.
	MUC2023-114	Global Malnutrition Composite Score	Recommend with conditions	Conditions included adding hospital-acquired malnutrition and high-risk nutritional practices in screening and assessment and the involvement of more patient groups in further work on this measure.
Merit-based Incentive Payment System (MIPS)	MUC2023-141	Positive PD-L1 Biomarker Expression Test Result Prior to First-Line Immune Checkpoint Inhibitor Therapy	Recommend with conditions	Conditions included additional testing to examine measure performance and feasibility.
	MUC2023-161	Appropriate Germline Testing for Ovarian Cancer Patients	Recommend with conditions	Conditions included endorsement by a consensus-based entity.

Table 7. PRMR Recommendations for 2023 Measures Under Consideration by Program *(continued)*

Program	MUC ID	Measure Title	Recommendation	Conditions (if specified)
Merit-based Incentive Payment System (MIPS) (cont.)	MUC2023-162	Patient-Reported Pain Interference Following Chemotherapy among Adults with Breast Cancer	Recommend with conditions	Conditions included encouraging CMS to consider implementation at the clinician group level only until further testing and improvements can be made at the individual clinician level.
	MUC2023-164	Adult COVID-19 Vaccination Status	Consensus not reached	N/A
	MUC2023-190	Patient-Reported Fatigue Following Chemotherapy among Adults with Breast Cancer	Consensus not reached	N/A
	MUC2023-201	Cataract Removal with Intraocular Lens (IOL) Implantation	Recommend with conditions	While the committee did not provide a formal list of conditions, they advocated more examination of how implementation of cost measures may impact patient outcomes.
	MUC2023-203	Chronic Kidney Disease	Consensus not reached	N/A
	MUC2023-204	End-Stage Renal Disease	Consensus not reached	N/A
	MUC2023-205	Inpatient (IP) Percutaneous Coronary Intervention (PCI)	Recommend with conditions	Conditions included the measure undergoing consensus-based entity endorsement to assess the scientific properties of the measure with rigor. Analyze longitudinal data to assess the stability of the measure.
	MUC2023-206	Kidney Transplant Management	Consensus not reached	N/A
	MUC2023-207	Prostate Cancer	Consensus not reached	N/A
	MUC2023-208	Respiratory Infection Hospitalization	Consensus not reached	N/A
	MUC2023-209	Rheumatoid Arthritis	Do not recommend	N/A
	MUC2023-211	Melanoma: Tracking and Evaluation of Recurrence	Consensus not reached	N/A

Table 7. PRMR Recommendations for 2023 Measures Under Consideration by Program *(continued)*

Program	MUC ID	Measure Title	Recommendation	Conditions (if specified)
Part C & D Star Ratings (Part C and D)	MUC2023-137	Initial Opioid Prescribing for Long Duration (IOP-LD)	Consensus not reached	N/A
	MUC2023-179	Initiation and Engagement of Substance Use Disorder Treatment (IET)	Consensus not reached	N/A
	MUC2023-212	Level I Denials Upheld Rate Measure	Recommend	N/A
Prospective Payment System-Exempt Cancer Hospital Quality Reporting Program (PCHQRP)	MUC2023-146, 147, 148, 149	Hospital Patient Experience of Care	Recommend with conditions	Conditions included endorsement by a consensus-based entity, consideration to not extend survey length and remove overlapping items as the measures progress in the program, the use of adaptive questions in computerized administration to minimize items, and the use of a mechanism to monitor trends in performance data over time.
	MUC2023-188	Patient Safety Structural Measure	Recommend with conditions	The committee encouraged publication of an implementation guide that clearly documents how safety is to be measured and using data to narrow the scope before approving the measure for programs.
Rural Emergency Hospital Quality Reporting Program (REHQRP)	MUC2023-156	Screening for Social Drivers of Health (SDOH)	Recommend with conditions	Conditions included that IQR and OQR programs report one set of measures per calendar year per facility.
	MUC2023-171	Screen Positive Rate for Social Drivers of Health (SDOH)	Consensus not reached	N/A
	MUC2023-176	Hospital Commitment to Health Equity	Recommend with conditions	Conditions included the measure undergoing consensus-based entity endorsement, added instructions and information around attestation requirements, and ongoing data collection for further measure testing in low-patient-volume settings.

4.5 PRMR Gaps Identified

During the PRMR meetings in January 2024, Recommendation Group members identified several recurring themes for improving measures and measure sets. These themes highlight areas where members would like to see measure developers and CMS focus their resources in future CMS programs during pre-rulemaking.

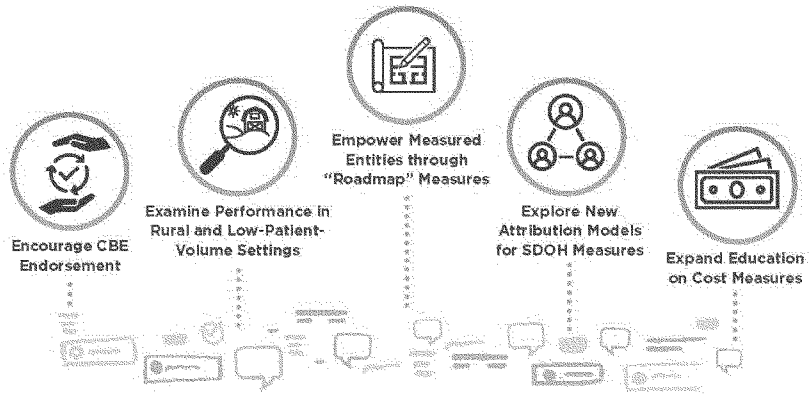


Figure 20. Growth Opportunities for CMS Programs

Encourage CBE Endorsement

Consideration: CMS should consider emphasizing the importance of CBE (Consensus-Based Entity) endorsement to promote effective program discussions and ensure measures meet high scientific standards.

During the PRMR meetings in January 2024, a recurring theme was the committee's uncertainty about measure performance and scientific acceptability based on the information submitted to the CMS Measures under Consideration Entry and Review Tool (MERIT). The most common condition for recommending measures was that they undergo CBE endorsement. CBE endorsement is valued for ensuring scientific rigor, as endorsement committees, with their subject matter expertise in measurement science, are better suited to evaluate concerns such as reliability and validity. Currently, measures under consideration are not required to have CBE endorsement before being submitted for CMS program consideration. Emphasizing CBE endorsement could enhance the quality and reliability of CMS programs.



Examine Performance in Rural and Low-Patient-Volume Settings

Consideration: CMS and measure developers are encouraged to explore the unique implementation considerations needed for successful measure use in rural areas and low-patient-volume settings.

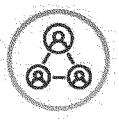
During the PRMR sessions, interested parties representing rural communities urged committees to consider how measure implementation and performance might vary across different settings. Committee members examined measure specifications and discussed examples of how certain measures could have unintended consequences or lower performance in facilities with low patient volumes. Continuing the emphasis on engaging rural perspectives, discussed during the Fall 2023 Measure Set Review, CMS and measure developers are encouraged to include rural and/or low-patient-volume testing sites in future measure development. Discussions highlighted that low patient volume is often due to a facility serving a rural area, but other socioeconomic factors may also contribute to low patient volumes, which should be considered during measure specification and testing. CMS is further encouraged to explore implementation guides and supports for rural and low-patient-volume settings to address barriers to implementation and performance variation resulting from measures historically not considering the unique needs of these settings.



Empower Measured Entities through "Roadmap" Measures

Consideration: CMS and measure developers are encouraged to explore new models for attribution of performance that better reflect the multi-provider and community-level work being undertaken to address Social Determinants of Health (SDOH).

In discussions about measures on the 2023 MUC List, committee members acknowledged the importance of measure intent but noted barriers to implementation, such as lack of institutional support and limited flexibility. The MUC2023-196 Age-Friendly Hospital measure was highlighted for its broadly defined domains, which allow some flexibility at the facility level. This measure was seen as a potential "roadmap" for hospitals to become age-friendly while measuring progress. Hallmarks of a roadmap measure may include offering flexibility in achieving high performance within each domain, using attribution models that reflect real-world care delivery and external risk factors, and framing these measures as tools to empower entities to expand work in new areas to better serve communities.



Explore New Attribution Models for Social Determinants of Health Measures

Consideration: CMS and measure developers are encouraged to explore new models for attribution of performance that better reflect the multi-provider and community-level work being undertaken to address Social Determinants of Health (SDOH).

The 2023 MUC List included several measures that expanded measurement into the area of SDOH in meaningful ways. PRMR committees supported the intent of these measures and recognized the impact of SDOH on outcomes from the patient, clinician, and facility perspectives. However, committees struggled to reach consensus on recommendations for most of these measures. A common concern was the attribution level, as committee members frequently noted that clinicians and hospitals are not solely responsible for addressing SDOH concerns. In the absence of a robust community service provider system, they may face undue challenges in implementing these measures or have publicly reported poor performance. Exploring new attribution models could better capture the collaborative efforts required to address SDOH effectively.



Expand Education on Cost Measures

Consideration: CMS is encouraged to expand education for measured entities on the "why" and "how" of cost measures to enhance understanding and utility, particularly in the context of MIPS.

During the Clinician Committee's robust question-and-answer session with CMS and developers regarding cost measures proposed for MIPS, committee members expressed concerns and asked fundamental questions about the impact of cost measures on quality of care and patient outcomes. They also questioned the utility of cost measures for clinicians in improving their processes over time. While CMS program leads and measure scientists discussed the role and statutory requirement for cost measures in programs such as MIPS, there is room for broader discussion and education around cost measures. Interested parties encourage CMS to expand education for those most impacted by cost measures to better understand them. Additionally, PQM will explore ways to improve committee members' understanding of cost measures as part of the next PRMR cycle to ensure robust and measure-relevant discussions.

5.0 Multi-Stakeholder Engagement: Measure Set Review (MSR)

The MSR process is statutorily enabled by the Consolidated Appropriations Act, 2021, Public Law 116–260, which reads: "Section 1890(b) of the Social Security Act (42 U.S.C. 1395aaa(b)) is amended by inserting after paragraph (3) the following new paragraph: "(4) REMOVAL OF MEASURES.—The entity may provide input to the Secretary on quality and efficiency measures described in paragraph (7)(B) that could be considered for removal."

In 2024, the MSR Committee reviewed 35 Cost Effectiveness and Efficiency in Health Care Utilization measures from ten Centers for Medicare & Medicaid Services (CMS) programs and recommended six (6) for removal.

5.1 MSR Overview

The Measure Set Review (MSR) process is designed to optimize the CMS measure portfolio by recommending measures for removal based on updated information about their properties, performance trends, and alignment with program needs and priorities. The MSR process evaluates measures through three key domains:

- **Meaningfulness:** The measure meets criteria for importance, feasibility, scientific acceptability, and usability and use, considering its use across programs and populations.
- **Data Stream Parsimony:** Measure redundancy in data streams has been identified and mitigated.
- **Patient Journey:** The measure is implemented across the patient journey as intended per a measure impact model, using a measure impact model to illustrate how the measure can have the greatest impact on patient outcomes.

These domains help ensure that the measures retained in the CMS portfolio are effective, efficient, and aligned with the overarching goals of improving health care quality and outcomes.

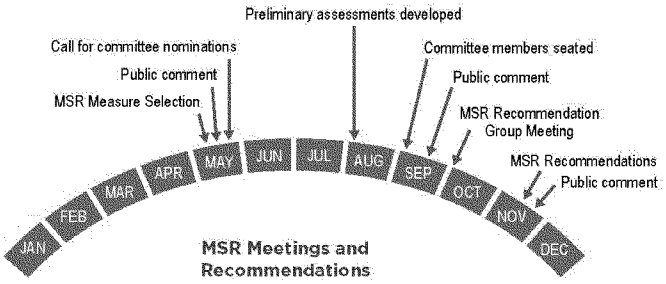


Figure 21. MSR Timeline

5.2 Enhanced MSR Process

The Guidebook of Policies and Procedures for PRMR and MSR, published in July 2024, introduced several enhancements to the MSR process:

- **Use of CMS Quality Strategy:** The Cascade of Meaningful Measures was utilized to select measure priority areas, such as patient safety, for review.
- **Public Comment Opportunities:** Additional and earlier opportunities for public comment were provided to gather more comprehensive feedback.
- **Preliminary Assessments:** Battelle staff were assigned to prepare preliminary assessments using review methods aligned with E&M and PRMR to inform committee reviews.

These enhancements aimed to achieve more effective committee reviews by providing more information from public comments and staff assessments, ultimately optimizing the CMS measure portfolio.

5.3 MSR Committee

Battelle staff conducted a public call for nominations and targeted outreach to solicit nominees for the PRMR committees. For the MSR Recommendation Group, there is no separate nominations process; instead, Battelle annually selects members who are currently serving on PRMR committees to serve a 1-year term on the MSR Recommendation Group. The goal was to create a balanced Recommendation Group that brings variations in experience, expertise, and perspectives. To facilitate the meeting, Battelle solicited one patient co-chair and one facility association co-chair. This approach ensures balanced representation and effective facilitation in the review process.

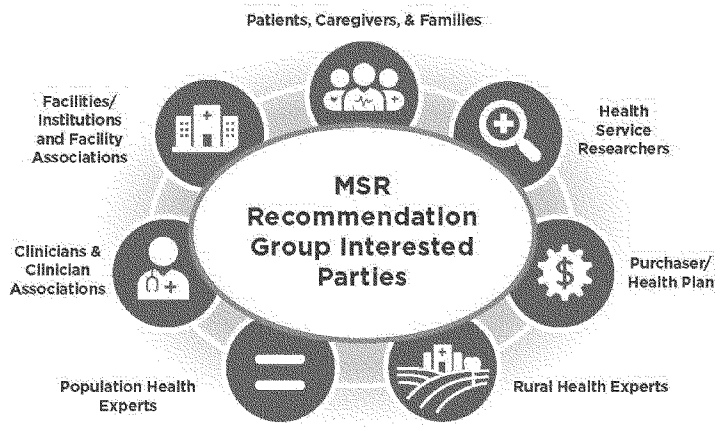


Figure 22. MSR Recommendation Group Interested Parties

5.4 2024 MSR Measure Selection

At the launch of the 2024 MSR cycle, Battelle staff conducted a detailed review of 107 measures in the CMS Measures Inventory Tool (CMIT) that were categorized under the primary priority of Affordability and Efficiency within the Cascade of Meaningful Measures. Here's a summary of the process:

REVIEW AND PRIORITIZATION:

- **Initial Review:** 107 measures were reviewed by Battelle staff.
- **Prioritization:** 34 measures were prioritized for potential MSR review based on input from the 2024 PQM Measure Strategy Summit.
  - **Nine Measures:** Selected due to questions about actionability and alignment with clinical guidelines.
  - **25 Measures:** Chosen for their potential impact, actionability, and possible redundancy with other measures.

CONSIDERATIONS FOR PRIORITIZATION:

- **Actionability:** Measures with unclear paths to improvement or multiple influencing factors.
- **Clinical Guidelines:** Measures monitoring well-established guidelines to assess ongoing impact and reasons for noncompliance.
  - **Potential Impact:** Measures with defined improvement paths but still needing clarity.
  - **Redundancy:** Measures with similar focuses across programs, especially in emergency department utilization and readmission, for potential alignment or reduction.

PUBLIC COMMENT PERIODS:

- **First Comment Period (May 15-31, 2024):**
  - Draft list of 34 measures was posted for public comment.
  - Received 27 comments, mostly expressing support or concern for specific measures.
  - Comments were summarized for the MSR Recommendation Group meeting.
- **Second Comment Period (Prior to September 30, 2024):**
  - Preliminary assessment reports were published for a 21-day public comment period.
  - Feedback from both comment periods was summarized and presented during the MSR Recommendation Meeting.

FINAL SELECTION

- **Review and Select:** Battelle further refined the MSR with CMS input on rulemaking considerations, resulting in the full set of 35 measures across 10 CMS programs.

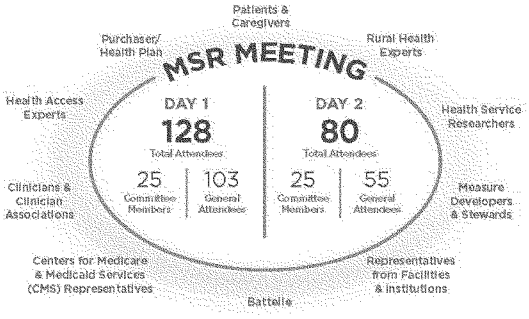


Figure 23. Measure Set Review Meeting Attendance

5.5 2024 MSR Measure Review Results

On September 30 – October 1, 2024, MSR members met to discuss the 35 selected measures. Following a review of each measure and a vote, six (6) measures were recommended for removal and 29 measures were recommended for continued use.

Table 8 outlines the final vote counts and recommendations for the 2024 measure set.

Table 8. MSR Recommendation Group Vote Counts* per Measure

CMIT ID	MEASURE TITLE	RETAIN	REMOVE	RECUSALS
00033-01-C-MIPS	Adult Sinusitis: Antibiotic Prescribed for Acute Viral Sinusitis (Overuse)	**23** (100%)	0 (0%)	0
00039-01-C-MIPS	Age Appropriate Screening Colonoscopy	7 (30%)	**16 (70%)**	0
00076-02-E-MIPS	Appropriate Use of DXA Scans in Women Under 65 Years Who Do Not Meet the Risk Factor Profile for Osteoporotic Fracture	8 (33%)	**16 (67%)**	0
00487-01-C-MIPS	Overuse of Imaging for the Evaluation of Primary Headache	**18 (75%)**	6 (25%)	1
00101-01-C-MIPS	Cardiac Stress Imaging Not Meeting Appropriate Use Criteria: Preoperative Evaluation in Low-Risk Surgery Patients	**5 (21%)**	19 (79%)	0
00069-01-C-MIPS	Appropriate Follow-up Imaging for Incidental Abdominal Lesions	**22 (92%)**	2 (8%)	1
00070-01-C-MIPS	Appropriate Follow-up Imaging for Incidental Thyroid Nodules in Patients	**23 (96%)**	1 (4%)	1
00419-01-C-MIPS	Maternity Care: Elective Delivery (Without Medical Indication) at less than 39 Weeks (Overuse)	**18 (75%)**	6 (25%)	0
00237-02-C-MIPS	Emergency Medicine: Emergency Department Utilization of CT for Minor Blunt Head Trauma for Patients Aged 2 Through 17 Years	**23 (100%)**	0 (0%)	0

Table 8. MSR Recommendation Group Vote Counts* per Measure *(Continued)*

CMIT ID	MEASURE TITLE	RETAIN	REMOVE	RECUSALS
00237-01-C-MIPS	Emergency Medicine: Emergency Department Utilization of CT for Minor Blunt Head Trauma for Patients Aged 18 Years and Older	**23 (100%)**	0 (0%)	0
00543-01-C-MIPS	Percentage of Patients Who Died from Cancer Receiving Systemic Cancer-Directed Therapy in the Last 14 Days of Life (lower score - better)	**23 (100%)**	0 (0%)	0
00737-01-C-MIPS	Unplanned Reoperation within the 30-Day Postoperative Period	**21 (95%)**	1 (5%)	0
00736-01-C-MIPS	Unplanned Hospital Readmission within 30 Days of Principal Procedure	9 (39%)	**14 (61%)**	0
00561-02-C-PARTC	Plan All-Cause Readmissions	**18 (78%)**	5 (22%)	0
00452-01-C-PARTD	MPF Price Accuracy	**23 (100%)**	0 (0%)	0
00005-01-C-HOQR	Abdomen Computed Tomography (CT) - Use of Contrast Material	**14 (64%)**	8 (36%)	1
00097-01-C-HOQR	Cardiac Imaging for Preoperative Risk Assessment for Non-Cardiac, Low-Risk Surgery	0 (0%)	**22 (100%)**	1
00453-01-C-HOQR	MRI Lumbar Spine for Low Back Pain	1 (4%)	**22 (96%)**	1
00021-02-C-HOQR	Admissions and Emergency Department (ED) Visits for Patients Receiving Outpatient Chemotherapy	**16 (73%)**	6 (27%)	0
00021-01-C-PCHQR	Admissions and Emergency Department (ED) Visits for Patients Receiving Outpatient Chemotherapy	**17 (77%)**	5 (23%)	0
00004-01-C-PCHQR	30-Day Unplanned Readmissions for Cancer Patients	**20 (91%)**	2 (9%)	0

Table 8. MSR Recommendation Group Vote Counts* per Measure *(Continued)*

CMIT ID	MEASURE TITLE	RETAIN	REMOVE	RECUSALS
00045-01-C-ASCQR	All-Cause Hospital Transfer/Admission	**22 (96%)**	1 (4%)	0
00253-01-C-HOQR	Facility 7-Day Risk-Standardized Hospital Visit Rate after Outpatient Colonoscopy	**20 (87%)**	3 (13%)	0
00253-01-C-ASCQR	Facility 7-Day Risk-Standardized Hospital Visit Rate after Outpatient Colonoscopy	**19 (86%)**	3 (14%)	0
00345-02-C-ASCQR	Hospital Visits After Orthopedic Ambulatory Surgical Center Procedures	**22 (96%)**	1 (4%)	0
00346-02-C-ASCQR	Hospital Visits After Urology Ambulatory Surgical Center Procedures	**21 (100%)**	0 (0%)	0
00254-01-C-ASCQR	Facility-Level 7-Day Hospital Visits After General Surgery Procedures Performed at Ambulatory Surgical Centers	**20 (100%)**	0 (0%)	0
00576-01-C-IRFQR	Potentially Preventable Within Stay Readmission Measure for Inpatient Rehabilitation Facility Quality Reporting Program	**20 (91%)**	2 (9%)	0
00210-05-C-HHQR	Discharge to Community (DTC) - Post Acute Care (PAC) Home Health (HH) Quality Reporting Program (QRP)	**21 (95%)**	1 (5%)	0
00210-03-C-LTCHQR	Discharge to Community (DTC) - Post Acute Care (PAC) Long-Term Care Hospital (LTCH) Quality Reporting Program (QRP)	**20 (100%)**	0 (0%)	0
00210-02-C-SNFQRP	Discharge to Community (DTC) - Post Acute Care (PAC) Skilled Nursing Facility (SNF) Quality Reporting Program (QRP)	**21 (100%)**	0 (0%)	0
00575-04-C-HHQR	Potentially Preventable 30-Day Post-Discharge Readmission Measure for HH Quality Reporting Program	**16 (80%)**	4 (20%)	0

Table 8. MSR Recommendation Group Vote Counts* per Measure *(Continued)*

CMIT ID	MEASURE TITLE	RETAIN	REMOVE	RECUSALS
00575-01-C-IRFQR	Potentially Preventable 30-Day Post-Discharge Readmission Measure for Inpatient Rehabilitation Facility Quality Reporting Program	**17 (85%)**	3 (15%)	0
00575-02-C-LTCHQR	Potentially Preventable 30-Day Post-Discharge Readmission Measure for Long-Term Care Hospital (LTCH) Quality Reporting Program (QRP)	**17 (85%)**	3 (15%)	0
00575-03-C-SNFQRP	Potentially Preventable 30-Day Post-Discharge Readmission Measure for Skilled Nursing Facility (SNF) Quality Reporting Program (QRP)	**17 (85%)**	3 (15%)	0

** During the 2-day MSR Recommendation Group meeting, the total members voting varied as some members had to attend to professional duties but discussion and voting quorum was maintained for all measures. This fluctuation in total voting members is reflected in the vote counts in this table.*

There is a growing interest among committee members in understanding how SDOH might affect the implementation and performance of various measures across different populations. SDOH are environmental conditions that exist where people live, work, and receive medical care that influence health outcomes and risks.[2] These include factors like economic stability, education access and quality, health care access and quality, neighborhood and built environment, and the social and community context.

2 *Healthy People 2030, U.S. Department of Health and Human Services, Office of Disease Prevention and Health Promotion. Retrieved from* https://health.gov/healthypeople/objectives-and-data/social-determinants-health

6.0 Core Quality Measures Collaborative (CQMC)

The CQMC (Core Quality Measures Collaborative) is a coalition of health care leaders focused on aligning measures across payers to improve health care quality in the United States. Founded in 2015 as a public-private partnership between AHIP and CMS, the CQMC includes over 70 organizations, such as health insurance companies, medical societies, consumer and employer groups, and quality collaboratives. Battelle, in its role as the CBE, convenes the CQMC.

Key Objectives of CQMC:

- **Identify High-Value Measures:** Focus on evidence-based measures that promote better health outcomes and provide useful information for improvement, decision-making, and payment.
- **Align Measures Across Payers:** Achieve congruence in the use of measures for quality improvement, transparency, and payment purposes.
- **Reduce Measurement Burden:** Eliminate low-value metrics, redundancies, and inconsistencies in measure specifications and reporting requirements.

Core Measure Sets:

The CQMC maintains and updates core measure sets to reflect changes in clinical practice guidelines, data sources, and risk adjustment. As of December 2024, the core measure sets include:

- Accountable Care Organizations/ Patient-Centered Medical Homes/ Primary Care
- Behavioral Health*
- Cardiology
- Gastroenterology
- HIV & Hepatitis C
- Medical Oncology
- Neurology
- Obstetrics & Gynecology*
- Orthopedics
- Pediatrics

*(*Indicates measure sets updated in August 2024; five additional sets updated but not yet announced.)*

2024 Strategic Meeting:

In October 2024, Battelle convened the CQMC Full Annual Strategic Meeting to review progress and set priorities.

The CQMC also discussed barriers to adopting measures within the core sets and strategies to overcome these challenges, aiming to develop a vision and strategy for future work phases.

7.0 Ad Hoc Projects

Battelle is developing a CBE Quality Measurement Strategy to guide the evolution of quality measurement science over the next five years. This strategy is supported by work on four ad hoc projects:

1. **Artificial Intelligence Pilot (AI Pilot):** Exploring the integration of AI to enhance quality measurement processes.
2. **Digital-Readiness Assessment:** Evaluating the current state of digital capabilities to support quality measurement.
3. **CBE Portfolio Gap Analysis:** Identifying gaps in the current portfolio to ensure comprehensive coverage of quality measures.
4. **Refinement of the 5-Year Strategy:** Continuously updating the strategy to reflect advancements and changes in the field.

These efforts aim to advance quality measurement science by incorporating innovative technologies and addressing existing gaps.

7.1 AI Pilot

The AI Pilot aims to assess the usefulness of AI technologies in supporting clinical quality measure (CQM) evidence reviews under the E&M process and the PRMR process. The goal is to ensure trustworthy CQMs for use in accountability programs, with AI supporting trustworthiness in two key respects:

1. **Explicit Evaluation of Evidence:**
   - AI can make all evidence explicit and evaluate it explicitly.
   - An "AI Agent" can use natural language processing to identify relevant published literature and large language models (LLMs) to assess the support and quality of the evidence.
   - The AI Agent can produce arguments about whether the evidence is established or speculative and whether the measure is likely to be endorsed.
2. **Guarding Against Confirmation Bias:**
   - AI can help prevent the unintended tendency to process information consistent with existing beliefs.
   - Using a carefully constructed "ontology," AI can generate additional claims about a measure's properties and search for supporting literature.
   - Every claim is assumed unsubstantiated and must be supported by evidence and arguments, which are transparent and assessed by subject matter experts.

The ultimate goal of the AI Pilot is to reduce the time and burden of CQM evidence reviews for interested parties and measure development for programs.

7.2 Digital-Readiness Assessment

The Digital-Readiness Assessment is part of Battelle's efforts to transition clinical quality measures (CQMs) to digital data sources, motivated by two key HHS policy objectives:

1. **Reducing Data Collection Burden:** By using modern interoperability standards like USCDI [United States Core Data for Interoperability] and FHIR [Fast Healthcare Interoperability Resources], digital measures aim to streamline data capture and exchange, reducing the burden on measured entities.

2. **Promoting Multi-Payer Alignment:** Digital measures use standards-based, computable specifications to calculate measures from a common source, minimizing reliance on payer-specific data streams.

The transition to digital measures involves four domains or work streams:

1. **Improving Data Quality**
2. **Advancing Technology**
3. **Optimizing Data Aggregation**
4. **Enabling Alignment of Data, Tools, and Measures**

7.2.1 Enabling Alignment of Data, Tools and Measures

Battelle, as the CBE, has a key role to play in the fourth workstream: enabling alignment of data, tools, and measures. As part of the E&M and PRMR processes, measure developers are beginning to submit measures specified using these modern interoperability standards.

The transition to digital measures is motivated by two policy objectives, which are not mutually exclusive:

1. **Providing Technical Expertise:**
   - » Support committee reviews of digital measure specifications.
   - » Increase the proportion of clinical informatics and data science representatives on the Advisory and Recommendation Group committees.
   - » Explore the creation of a separate review panel specifically for digital measures.
2. **Developing Assessment Criteria:**
   - » Collaborate with PQM members who have informatics expertise to develop a set of criteria or a checklist.
   - » Use these criteria to internally assess digital measures before they are reviewed by committees.

These efforts aim to ensure that digital measures are effectively evaluated and aligned with modern interoperability standards, facilitating a smoother transition and implementation process.

7.2.2 Digital-Readiness Assessment

The transition to digital measures is driven by two main policy objectives:

1. **Providing Technical Expertise:**
   - » We aim to support committee reviews of digital measure specifications by increasing the representation of clinical informatics and data science experts on the Advisory and Recommendation Group committees.
   - » We are exploring the creation of a separate review panel specifically for digital measures to ensure thorough evaluation.
   - » Our collaboration with PQM members who have informatics expertise will help us develop a set of criteria or a checklist. This will guide Battelle staff in internally assessing digital measures before they are reviewed by committees.

2. **Assessing Digital Readiness:**
   - » We are gathering information on the various categories of burden associated with the collection, reporting, and use of quality data. This will help identify measures that are suitable candidates for digital transition.
   - » We will also identify measures that may face significant obstacles due to reliance on data not currently included in interoperability standards.
   - » The metrics we develop will quantify the burden-benefit trade-off in quality measurement. This will inform which measures should be prioritized for digital transition and which may be retired or considered for alternative use.

7.2.3 Burden Assessment

Our burden assessment focuses on understanding the challenges and costs associated with current quality measures and the potential benefits of transitioning to digital measures.

- **Johns Hopkins Study[3]:**
  - » This study revealed that significant resources are spent on quality reporting, with claims-based metrics being unexpectedly resource-intensive due to the time and resources needed to ensure code accuracy.
  - » Clinical measures using data collected during routine care were found to have a lower burden, supporting the transition to digital measures.
- **AHRQ EPC Paper[4]:**
  - » Researchers identified 11 categories of documentation burden, including time spent in EHR, clinical documentation, and administrative tasks.
  - » The study highlighted the need for balanced and new perspectives and valid categories to assess interventions aimed at reducing burden.

The focus on the digital-readiness review is to understand the methodology used for these burden estimates and how that methodology maps to the burden categories. The measure burden assessment will provide a relative assessment of entity and/or person burden rather than an exact dollar estimate. Our intent is to compare burden to measure benefit or impact, giving the Advisory and Recommendation Group a general sense of the benefit-burden trade-off in a systematic manner.

7.3 CBE Portfolio Gap Analysis

During the PRMR in-person meeting in April 2024, committee members from Clinician, Hospital, and PAC/LTC clearly defined the focus areas for measure reviews: actionability, impact, burden, and strategy. By "strategy," they referred to the rationale for a measure within the broader CBE and CMS measure portfolios. The CBE Portfolio Gap Analysis aims to systematically assess these portfolios to identify potential redundancies and gaps where new measures might be needed.

STEPS IN THE GAP ANALYSIS:

1. **Comprehensive Assessment of Current Portfolios:**
   - » We conducted a thorough assessment of the current measure portfolios using tools like the PQM STAR database, CMS Measures Inventory Tool (CMIT), PubMed, and the Unified Medical Language System (UMLS).
   - » We extracted the current version of the CBE and CMS measure inventory, focusing on measures in active status (524 as of December 31, 2024).

3 *Saraswathula A, Merck SJ, Bai G, et al. The Volume and Cost of Quality Metric Reporting. JAMA. 2023;329(21):1840–1847. doi:10.1001/jama.2023.7271*

4 *Wang, Z West CP, Vaa Stelling, BE, Hasan B, Simha, S, Saadi, S, Firwana, M, Nayfeh, T, Viola, KE, Prokop, LJ, , Murad, MH. Measuring Documentation Burden in Healthcare. Technical Brief No. 47. (Prepared by the Mayo Clinic Evidence-based Practice Center under Contract No. 75Q80120D00005/75Q80123F32005.) AHRQ Publication No. 24-EHC023. Rockville, MD: Agency for Healthcare Research and Quality. May 2024. DOI: https://doi.org/10.23970/AHRQEPCTB47.*

- Each measure was assessed based on attributes such as program, reporting status, measure type, care setting, CBE status, format (CQM, eCQM), digital status, Universal Foundation status, and Cascade priority.
- This assessment helped identify gap areas where the measure portfolio could be better balanced.

2. **Assessment by Condition:**
   - We compared the distribution of target populations in the current inventory against reference standards like the Common Framework, high-impact conditions, and the National Academies' lists of "Vital Signs" and "Core Metrics."
   - We analyzed the number of measures per condition compared to leading causes of mortality and morbidity and the most frequently indexed conditions in PubMed over the last 10 years.
   - This comparison ensured the portfolio addresses emerging conditions, such as gene and cell therapy, and identified gap areas for more impactful measures.
3. **Assessment of Measure Importance:**
   - We used structure-process-outcome pyramids and the person health care journey to assess measure importance.
   - For each condition, we evaluated the number of structure, process, and outcome measures, identifying gaps where new measures might support assessment.
   - We assessed how the measure portfolio supports the person's health care journey from "home-to-home," assigning each measure to a specific phase of the journey—population, ambulatory, acute, or post-acute.

The gap analysis is ongoing, with additional results to be published over the next year. This systematic approach helps ensure the measure portfolio is comprehensive and aligned with current health care needs.

7.4 CBE 5-Year Strategic Plan

The AI Pilot, Digital-Readiness Assessment, and CBE Portfolio Gap Analysis all contribute to the implementation of the CBE 5-Year Strategic Plan. This plan focuses on reducing the perceived burden of quality measurement by both decreasing the burden and increasing the benefit.

KEY TENETS OF THE 5-YEAR VISION:

1. **Enhancing Agency:**
   - We aim to enhance the sense of agency experienced by individuals and measured entities, supporting their sense of control over the quality measurement process.
   - This is achieved by fostering meaningful community engagement and rigorously applying evidence-based principles, a concept we refer to as "pay for transformation."
2. **Purposeful Examination of Measures:**
   - The CBE program focuses on examining the purpose of each measure, determining what makes it effective, for whom, and under what conditions.
   - By understanding these factors, we can ensure that measures are meaningful and impactful, aligning with the broader goals of quality improvement.

The strategic plan is designed to create a more efficient and effective quality measurement system, ultimately benefiting both the entities involved and the broader health care community.

CBE VISION:

Leverage the consensus-based entity (CBE) processes to realize health care system change through the intentional integration of quality measurement and quality improvement processes, principles of evidence-based policies and programs, and meaningful community engagement.

Table 9. Five-Year Vision for the Consensus-Based Entity.

PRIORITY	SYSTEM CHANGE	MILESTONES
A	**Quality measurement will be less burdensome.**	• Quality measures are based on interoperability standards (USCDI, FHIR). • Data are captured either in the clinical workflow or using artificial intelligence.
B	**Quality measurement will be more beneficial.**	• Quality measures are focused on domains where quality measurement is the best strategy to improve population health. • Other explicit strategies are focused on domains where another approach is the best strategy to improve population health.
C	**Quality measurement will work for both entities (e.g., clinicians, facilities) and persons (e.g., patients, beneficiaries).**	• New mechanisms exist other than public reporting (e.g., quality councils) for meaningful person engagement. • Evidence generation is embedded in health care delivery and informs structural change for meaningful entity engagement (e.g., rural).
D	**Quality measurement will be community and transformation focused.**	• "Pay for Transformation" communities take responsibility for quality, safety, access, and cost. • Communities are self-forming and enabled by AI and interoperable data.
E	**Quality measurement will be trustworthy.**	• Evidence-based policy is built on the foundation of the "assurance case" (claim-argument-evidence). • AI assurance laboratory ensures quality measure safety and effectiveness.
F	**Developing quality measures will be less expensive.**	• Battelle will leverage autonomous AI agents to reduce the time and resources required to develop a trustworthy quality measure.

8.0 Financial Information for Fiscal Year 2024

Pursuant to §1890(b)(5)(A)(ii)(I) and (II), the CBE must present "an itemization of financial information for the fiscal year ending September 30 of the preceding year, including—(I) annual revenues of the entity (including any government funding, private sector contributions, grants, membership revenues, and investment revenue) and (II) annual expenses of the entity (including grants paid, benefits paid, salaries or other compensation, fundraising expenses, and overhead costs)."

8.1 Battelle Finances

In Fiscal Year (FY) 2024, Battelle reported revenues of approximately $13.2 billion. These revenues were derived from a combination of federal funds or government revenue authorized under §1890(d) of the Social Security Act (SSA), private-sector contributions, and investment revenue. **Notably, Battelle does not charge participants for PQM membership, reflecting its commitment to fostering collaboration without financial barriers.**

On the expense side, Battelle's expenditures for FY 2024 totaled about $13.1 billion. These expenses encompassed a range of categories, including grants and benefits paid, salaries and other compensations, purchased services such as subcontracting, fundraising expenses, and overhead costs.

Table 10. Battelle's Unaudited Financial Statement of Revenues and Expenses, for FY2024

Financial Statement Fiscal Year 2024 (unaudited)

Account Type	Amount ($)
Government Revenue	13,148,722,233
Commercial Revenue	108,801,622
Other Revenue	6,501,297
Total Revenue	13,264,025,152
Investment Income	118,674,647
Salaries and Benefits	7,584,048,072
Purchased Services and Materials	5,255,099,904
Other Expense	327,619,544
Total Expense	13,166,767,520

8.2 NCDC Finances

Pursuant to §1890(b)(5)(A)(ii)(III), the CBE must provide "a breakdown of the amount awarded per contracted task order and the specific projects funded in each task order assigned to the entity." Table 11 lists the tasks with award amounts and funded amounts in the base period of the contract.

Table 11. Federally Funded Tasks Awarded and Funded in FY 2024 Under IDIQ Contract 75FCMC23C0010

ID # (SLIN)[a]	Description	Awarded, $	Funded, $
CLIN0003			
0002AA	Measures Reviewed: Endorsement and Maintenance	$3,799,080	$3,799,080
0002AB	(OPTIONAL) Measures Reviewed: Endorsement and Maintenance	$611,680	$0
0002AC	Measures Reviewed: Pre-Rulemaking	$1,133,160	$1,133,160
0002AD	(OPTIONAL) Measures Reviewed: Pre-Rulemaking	$361,485	$0
0002AE	(OPTIONAL) Measures Reviewed: Pre-Rulemaking	$361,485	$0
0002AF	Measures Reviewed: Measure Set Review	$358,085	$358,085
0002AG	(OPTIONAL) Measures Reviewed: Measure Set Review	$155,730	$0
0002AH	(Deliverable 2-3) Final Project Management Plan	$1,039,676	$1,039,676
0002AJ	(Deliverable 2-13) Final Annual Report	$543,809	$543,809
0002AK	(Deliverable 2-17) Health Care Ad Hoc Tasks: Level of Effort Units	$1,200,000	$1,200,000
0002AL	(Deliverable 4-27) Measure Selection and Removal-Related Ad Hoc Tasks	$207,580	$207,580
0002AM	(Deliverable 5-1) Core Quality Measures Collaborative (CQMC) Activities Implementation Proposal	$506,559	$506,559
0002AN	(Deliverable 6-1) Transition Plan	$73,308	$73,308
Total			**$8,861,257**

9.0 Updates to Policies and Procedures

Pursuant to §1890(b)(5)(A)(iii) the CBE must report "any updates or modifications of internal policies and procedures of the entity as they relate to the duties of the entity … including—(I) specifically identifying any modifications to the disclosure of interests and conflicts of interests for committees, workgroups, task forces, and advisory panels of the entity. Additionally, the CBE must report relevant interests and any conflicts of interest for members of all committees, workgroups, task forces, and advisory panels, and the total percentage by health care sector of all convened committees, workgroups, task forces, and advisory panels."

In 2024, Battelle developed and posted appropriate forms for nominating interested parties, subject matter experts, and other stakeholders as candidates for committees and workgroups. Additionally, Battelle created forms to collect information on actual, apparent, or potential conflicts of interest (COIs) from nominees, covering both personal financial interests and interests related to specific measures under discussion. Throughout 2024, Battelle did not alter its policies or procedures regarding stakeholder participation or COI disclosures.

According to the Battelle (PQM) Conflict of Interest Policy for Committees, all nominees must complete a general disclosure of interest (DOI) form for each committee they apply to before being seated. This DOI form is reviewed holistically and in the context of the committee's topic area. Nominees are required to complete this general DOI form annually via the PQM website to participate on a committee.

For E&M standing committees, once nominees are selected, Battelle provides them with a measure-specific DOI form at the start of each evaluation cycle. This form helps determine if any members need to recuse themselves from discussions due to prior involvement or relationships relevant to the topic area. Since standing committee members review various measures throughout their term, they must complete the measure-specific DOI form for all measures evaluated in each cycle, as well as related or competing measures, to identify potential conflicts or biases. Members who fail to submit the completed form before evaluation meetings cannot participate in discussions or vote on the measures.

In 2024, Battelle convened approximately 430 volunteer individuals or organizations across 10 multi-stakeholder groups to serve on committees. Figure 24 details the percentage of committee members representing various health care sectors, showing the proportional representation across all current CBE committees hosted by Battelle. Additionally, the CQMC Full Collaborative is represented in this figure through counts of unique organization members, with each member organization having one health care sector or organization type.

Battelle reviewed the disclosures and found no conflicts of interest or financial interests affecting the committees' work, so no mitigations were required.

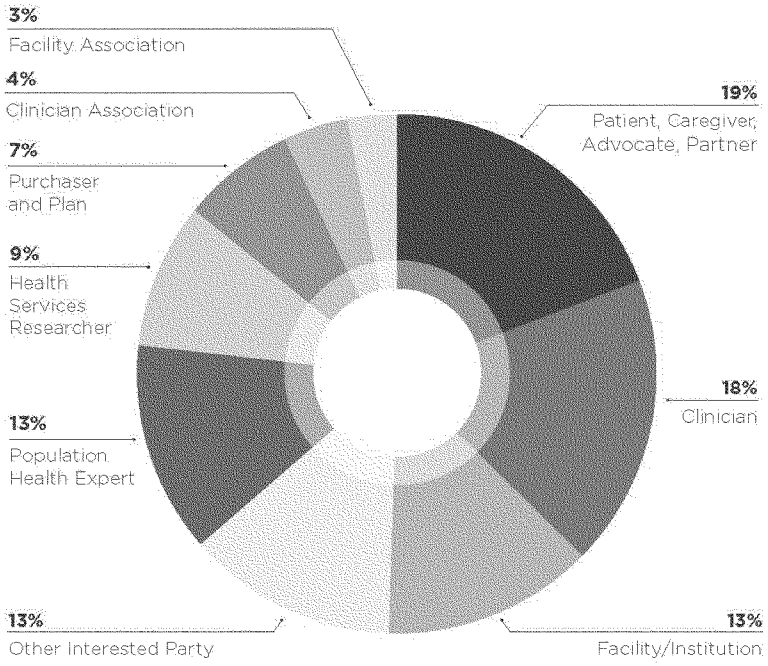


Figure 24. Proportional Representation of Health Care Sectors in PQM Committees and Other Groups in 2024

Complete rosters for all committees, workgroups, task forces, and advisory panels funded through NCDC are located on the PQM web site.

10.0 Conclusion

In 2024, Battelle, as the world's largest independent, not-for-profit applied science and technology organization, continued to lead the charge in advancing health care quality through its role as a certified consensus-based entity (CBE). The Partnership for Quality Measurement (PQM)™, comprising over 1,200 stakeholders, has been instrumental in shaping the future of health care quality measurement. This report highlights the significant achievements and strategic initiatives undertaken by Battelle's CBE from January 1, 2024, to December 31, 2024.

Battelle's efforts in 2024 were marked by a commitment to burden reduction, transparency, and scientific rigor. The PQM's expansive membership, which includes patients, caregivers, healthcare providers, rural advocates and policymakers, has ensured that a wide range of perspectives are considered in the quality measurement process. The commitment to bring more patients and clinicians to the process has fostered a shared sense of ownership to quality improvement.

Key processes such as the Endorsement and Maintenance (E&M), Pre-Rulemaking Measure Review (PRMR), and Measure Set Review (MSR) have been pivotal in optimizing the CMS measure portfolio. These processes ensure that measures are evidence-based, scientifically sound, and effective in improving health outcomes. Battelle's commitment to continuous improvement is evident in the enhancements made to these processes, such as streamlined timelines, increased engagement, and refined voting structures.

The implementation of the CBE 5-Year Strategic Plan, supported by initiatives like the AI Pilot, Digital-Readiness Assessment, and CBE Portfolio Gap Analysis, underscores Battelle's dedication to reducing the burden of quality measurement while increasing its benefits. By focusing on evidence-based practices and meaningful community engagement, Battelle is well-positioned to lead transformative changes in health care quality measurement and improvement. As Battelle moves forward, it remains committed to evolving its quality measurement strategies to address emerging challenges and opportunities.

11.0 References

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12.0 Abbreviations

ACA	Affordable Care Act
AHIP	American Health Insurance Plans
AHRQ	Agency for Healthcare Research and Quality
AI Pilot	Artificial Intelligence Pilot
ASC	Ambulatory Surgical Centers
CAHPS	Consumer Assessment of Healthcare Providers and Systems
CBE	Consensus-Based Entity
CMIT	CMS Measures Inventory Tool
CMS	Centers for Medicare & Medicaid Services
COI	Conflict of Interest
CQM	Core Quality Measures
CQMC	Core Quality Measures Collaborative
DOI	Disclosure of Interest
E&M	Endorsement and Maintenance
eCQM	Electronic Clinical Quality Measures
EHR	Electronic Health Record
EPC	Evidence-Based Practice Center
ESRD QIP	End-Stage Renal Disease Quality Improvement Program
FHIR	Fast Healthcare Interoperability Resources
HCBS	Home and Community-Based Services
HHS	Department of Health and Human Services
HOPD	Hospital Outpatient Department
IMPACT	Improving Medicare Post-Acute Care Transformation Act
IRF	Inpatient Rehabilitation Facilities
LLMS	Large Language Models
LTACH	Long-Term Acute Care Hospitals
LTCH	Long-Term Care Hospital
MERIT	Measures Under Consideration Entry/Review Information Tool
MIPPA	Medicare Improvement for Patients and Providers Act
MIPS	Merit-Based Incentive Payment System
MMS	Measures Management System
MMS Hub	Measures Management System website
MSR	Measure Set Review
MUC	Measures Under Consideration
NCDC	National Consensus Development and Strategic Planning for Health Care Quality Measurement Contract
NLP	Neuro Linguistic Programming
PA	Preliminary Assessment
PAC/LTC	Post-Acute Care/Long-Term Care
PQM	Partnership for Quality Measurement
PRMR	Pre-Rulemaking Measure Review
PRO-PM	Patient-Reported Outcome Performance Measure
QPP	Quality Payment Program
SDOH	Social Determinants of Health
SNF	Skilled Nursing Facilities
SSA	Social Security Act
STAR	Submission Tool and Repository
SUD	Substance Use Disorder
TEP	Technical Expert Panel
USCDI	United States Core Data for Interoperability

[FR Doc. 2025–11865 Filed 6–26–25; 8:45 am]
BILLING CODE 4120–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB #0970–0215]

Submission for Office of Management and Budget Review; Tribal Temporary Assistance for Needy Families Data Report, Tribal Annual Report, and Tribal Reasonable Cause/Corrective Action Documentation Process

AGENCY: Office of Family Assistance, 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 the Tribal Temporary Assistance for Needy Families (TANF) Data Report, Tribal TANF Annual Report, and Tribal TANF Reasonable Cause/Corrective Action Documentation Process (Office of Management and Budget (OMB) #0970–0215, expiration June 30, 2025). There are minor changes requested to the form.

DATES: *Comments due* July 28, 2025. OMB must decide about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: 42 U.S.C. 612 (Section 412 of the Social Security Act as amended by Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996), mandates that federally recognized Indian tribes with an approved Tribal TANF program collect and submit to the Secretary of the U.S. Department of Health and Human Services data on the recipients served by the tribes' programs. This information includes both aggregated and disaggregated data on case characteristics and individual characteristics. In addition, tribes that are subject to a penalty are allowed to provide reasonable cause justifications as to why a penalty should not be imposed or may develop and implement corrective compliance procedures to eliminate the source of the penalty. Finally, there is an annual report that requires tribes to describe program characteristics. All the above requirements are currently approved by OMB, and ACF is proposing to continue this information collection with only changes to instructions to improve formatting, clarity, and consistency.

Respondents: Federally recognized Indian tribes and tribal organizations operating Tribal TANF programs.

Annual Burden Estimates: Note, the number of respondents has been updated to reflect an increase in the number of approved Tribal TANF programs; the annual burden hours have been adjusted accordingly.

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Annual burden hours
Tribal TANF Data Report	77	4	451	138,908
Tribal TANF Annual Report	77	1	40	3,080
Tribal TANF Reasonable Cause/Corrective Action Documentation Process	10	1	60	600
Estimated Total Annual Burden Hours	.....	.....	.....	142,588

Authority: 42 U.S.C. 612, 45 CFR part 286.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–11899 Filed 6–26–25; 8:45 am]

BILLING CODE 4184–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0195]

Agency Information Collection Activities; Proposed Collection; Comment Request; Production, Storage, and Transportation of Shell Eggs (Preventing Salmonella Enteritidis)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of FDA's recordkeeping and registration requirements for shell egg producers.

DATES: Either electronic or written comments on the collection of information must be submitted by August 26, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 26, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are

solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions)*: Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–N–0195 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Production, Storage, and Transportation of Shell Eggs (Preventing *Salmonella Enteritidis* (SE)).'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Production, Storage, and Transportation of Shell Eggs (Preventing Salmonella Enteritidis (SE))—21 CFR 118.10 and 118.11

OMB Control Number 0910–0660—Extension

This information collection supports Agency regulations in part 118 (21 CFR part 118), Production, Storage, and Transportation of Shell Eggs, and Form FDA 3733, Shell Egg Producer Registration Form. The Public Health Service Act (PHS Act) (42 U.S.C. 264) authorizes the Secretary of Health and Human Services to make and enforce such regulations as ''are necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the States . . . or from one State . . . into any other State'' (section 361(a) of the PHS Act (42 U.S.C. 264(a))). This authority has been delegated to the Commissioner of Food and Drugs. Under section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 342(a)(4)), a food is adulterated if it is prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth or rendered injurious to health. Under section 701(a) of the FD&C Act (21 U.S.C. 371(a)), FDA is authorized to issue regulations for the efficient enforcement of the FD&C Act.

Under part 118, shell egg producers are required to implement measures to prevent SE from contaminating eggs on the farm and from further growth during storage and transportation. Shell egg producers also are required to maintain records concerning their compliance with part 118 and to register with FDA. As described in more detail about each information collection provision of part 118, each farm site with 3,000 or more egg-laying hens that sells raw shell eggs, other than directly to the consumer, must refrigerate, register, and keep certain records. Farms that do not send all of their eggs to treatment are also required to have an SE prevention plan and to test for SE.

Section 118.10 of FDA's regulations requires recordkeeping for all measures a farm takes to prevent SE in its flocks. Since many existing farms participate in voluntary egg quality assurance programs, those respondents may not have to collect any additional information. Records are compiled and retained at each farm site and examined there periodically by FDA inspectors. Section 118.10 also requires each farm site with 3,000 or more egg-laying hens that sells raw shell eggs to the table egg market, other than directly to the consumer, and does not have all of the shell eggs treated, to design and implement an SE prevention plan. Section 118.10 requires recordkeeping for each of the provisions included in the plan and for plan review and modifications if corrective actions are taken.

Finally, § 118.11 (21 CFR 118.11) of FDA's regulations requires that each farm covered by § 118.1(a) register with FDA using Form FDA 3733. The term ''Form FDA 3733'' refers to both the paper version of the form and the electronic system known as the Shell Egg Producer Registration Module, which is available at *https://www.access.fda.gov.* We strongly encourage electronic registration because it is faster and more convenient. The system accepts electronic registrations 24 hours a day, 7 days a week. A registering shell egg producer receives confirmation of electronic registration instantaneously once all the required fields on the registration screen are completed. However, paper registrations also are accepted. Form FDA 3733 is available for download for registration by mail, Fax or CD–ROM. More information is available at our website at *https://www.fda.gov/food/registration-food-facilities-and-other-submissions/shell-egg-producer-registration* and *https://www.fda.gov/food/shell-egg-producer-registration/shell-egg-producer-registration-registrationcancellation-paper-mail-or-fax-or-cd-rom.*

Recordkeeping and registration are necessary for the success of the SE prevention measures. Written SE prevention plans and records of actions taken due to each provision are essential for farms to implement SE prevention plans effectively. Further, they are essential for us to be able to determine compliance. Information provided under these regulations helps us to quickly notify the facilities that might be affected by a deliberate or accidental contamination of the food supply. In addition, data collected through registration is used to support our enforcement activities.

Description of Respondents: Respondents to this information collection include farm sites with 3,000 or more egg-laying hens that sell raw eggs, other than directly to the consumer.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity; 21 CFR section	Number of recordkeepers [2]	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Refrigeration Records; § 118.10(a)(3)(iv)	2,600	52	135,200	0.5 (30 minutes)	67,600
Testing, Diversion, and Treatment Records; § 118.10(a)(3)(v) through (viii) (positive)[3].	343	52	17,836	0.5 (30 minutes)	8,918
Egg Testing; § 118.10(a)(3)(vii)	331	7	2,317	8.3	19,231
Environmental Testing; § 118.10(a)(3)(v) [3]	6,308	23	145,084	0.25 (15 minutes)	36,271
Testing, Diversion, and Treatment Records; § 118.10(a)(3)(v) through (viii) (negative) [3].	5,965	1	5,965	0.5 (30 minutes)	2,983
Prevention Plan Review and Modifications; § 118.10(a)(4).	331	1	331	10	3,310
Chick and Pullet Procurement Records; § 118.10(a)(2)	4,731	1	4,731	0.5 (30 minutes)	2,366
Rodent and Other Pest Control; § 118.10(a)(3)(ii), and Biosecurity Records; § 118.10(a)(3)(i).	9,462	52	492,024	0.5 (30 minutes)	246,012
Prevention Plan Design; § 118.10(a)(1)	350	1	350	20	7,000
Cleaning and Disinfection Records; § 118.10(a)(3)(iii)	331	1	331	0.5 (30 minutes)	166
Total					393,857

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Some records are kept on a by-farm basis and others are kept on a by-house basis.
[3] Calculations include requirements for pullet and layer houses.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity; 21 CFR section	Form	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Registrations or Updates; § 118.11	FDA 3733 [2]	350	1	350	2.3	805
Cancellations; § 118.11	FDA 3733	30	1	30	1	30
Total						835

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] The term ''Form FDA 3733'' refers to both the paper version of the form and the electronic system known as the Shell Egg Producer Registration Module, which is available at *https://www.access.fda.gov* per § 118.11(b)(1).

Our estimates for the recordkeeping burden and the reporting burden are based on our experience with similar recordkeeping activities and the number of registrations and cancellations received in the past 3 years. Based on a review of the information collection since our last request for OMB approval,

we have made no adjustments to our burden estimate.

Dated: June 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11949 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0350]

Agency Information Collection Activities; Proposed Collection; Comment Request; Reporting Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke Under the Federal Food, Drug, and Cosmetic Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on Reporting Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke Under the Federal Food, Drug, and Cosmetic Act.

DATES: Either electronic or written comments on the collection of information must be submitted by August 26, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 26, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–N–0350 for ''Reporting Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke Under the Federal Food, Drug, and Cosmetic Act.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites

comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Reporting Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke Under the Federal Food, Drug, and Cosmetic Act

OMB Control Number 0910–0732—Extension

This information collection supports FDA regulations. Tobacco products are governed by chapter IX of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (sections 900 through 920) (21 U.S.C. 387 through 21 U.S.C. 387t). The FD&C Act provides FDA with the authority to regulate the manufacture, marketing, and distribution of cigarettes, cigarette tobacco, roll-your-own (RYO) tobacco, and smokeless tobacco products to protect the public health and to reduce tobacco use by minors. FDA has the authority to issue regulations deeming other products that meet the statutory definition of a tobacco product to be subject to chapter IX of the FD&C Act (section 901(b) of the FD&C Act (21 U.S.C. 387a(b))). In accordance with that authority, FDA issued a rule deeming all products that meet the statutory definition of tobacco product, except accessories of newly deemed tobacco products, to be subject to FDA's tobacco product authority (81 FR 28974, May 10, 2016). The definition of the term ''tobacco product'' in section 201(rr) of the FD&C Act (21 U.S.C. 321(rr)) products that contain nicotine from any source. As a result, non-tobacco nicotine (NTN) products (*e.g.,* products containing synthetic nicotine) are subject to all of the tobacco product provisions in the FD&C Act. Although NTN products are now subject to all of the tobacco product provisions in the FD&C Act, including section 904 provisions of the FD&C Act, FDA does not expect cigarettes, RYO tobacco, and smokeless tobacco products, for which Form FDA 3787a–j was developed, to also include NTN products.

Chapter IX of the FD&C Act applies to regulated tobacco products, including sections 904(a)(3) and (c)(1) (21 U.S.C. 387d(a)(3) and (c)(1)). Section 904(a)(3) of the FD&C Act requires the submission of an initial report from each tobacco product manufacturer or importer, or agents thereof, listing all constituents, including smoke constituents as applicable, identified as a harmful and potentially harmful constituent (HPHC) to health by FDA. Reports must be by brand and by quantity in each brand and subbrand.

Section 904(c)(1) of the FD&C Act provides that manufacturers of tobacco products not on the market as of June 22, 2009, must also provide the information reportable under section 904(a)(3) of the FD&C Act at least 90 days prior to introducing the product into interstate commerce.[1]

FDA has taken several steps to identify HPHCs to be reported under section 904 of the FD&C Act, including issuing a guidance discussing FDA's current thinking on the meaning of the term ''harmful and potentially harmful constituent'' in the context of implementing the HPHC list requirement under section 904(e) of the FD&C Act (76 FR 5387, January 31, 2011, revised guidance issued August 2016). The guidance is available on the internet at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/harmful-and-potentially-harmful-constituents-tobacco-products-used-section-904e-federal-food-drug.* The current established list of HPHCs also is available on the internet at *https://www.fda.gov/tobacco-products/rules-regulations-and-guidance/harmful-and-potentially-harmful-constituents-tobacco-products-and-tobacco-smoke-established-list* (77 FR 20034, April 3, 2012).

The purpose of the information collection is to collect statutorily mandated information regarding HPHCs in certain tobacco products and tobacco smoke, by brand and by quantity in each brand and subbrand.

To facilitate the submission of HPHC information, Forms FDA 3787a–j, for cigarettes, smokeless tobacco products, and RYO tobacco products, respectively, in both paper and electronic formats, are available. Additionally, FDA is developing forms to facilitate the submission of HPHC information for the deemed tobacco products. We intend to model these forms on the current HPHC reporting forms (*i.e.,* Forms FDA 3787a–j).

Manufacturers or importers, or their agents, will be able to submit HPHC information either electronically through new web forms within the Center for Tobacco Products (CTP) Portal Next Generation or in paper format. The modernized web forms will streamline data entry and submission for reporting HPHCs for cigarettes, smokeless tobacco products, and RYO tobacco products. This process will be more efficient than the current approach, which requires the use of the FDA's eSubmitter Desktop Tool for data entry and the CTP Portal web application for submission. With CTP Portal Next Generation, necessary tasks will be completed directly within the web forms, making HPHC submissions more user-friendly.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Reporting for Section 904(c)(1) Products					
1. Reporting of Manufacturer/Importer Company and Product Information by Completing Submission Forms					
Cigarette	243	1	243	1.82	442
RYO	10	1	10	0.43	4

[1] Note that section 904(c)(1) testing and reporting requirements are separate from the requirements that must be satisfied before a new tobacco product (sections 905 and 910 of the FD&C Act (21 U.S.C. 387e and 387j)), or modified risk tobacco product (section 911 of the FD&C Act (21 U.S.C. 387k)) may be marketed.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Smokeless	32	1	32	0.63	20
Total					466
2. Testing of HPHC Quantities in Products					
Cigarette Filler and RYO	10	1	10	9.42	94
Smokeless	32	1	32	12.06	386
Total					480
3. Testing of HPHC Quantities in Mainstream Smoke					
Cigarette: ISO Regimen	243	1	243	23.64	5,745
Cigarette: Health Canada Regimen	243	1	243	23.64	5,745
Total					11,490
Total Section 904(c)(1) Reporting Burden Hours					12,436

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We have revised our burden estimates to this information collection request. Our burden estimates have been updated based on the assumption that ''Each respondent represents a statutory tobacco product that receives authorization from FDA for which manufacturers and importers (or their agents), must report their product information to FDA under section 904(c)(1) of the FD&C Act at least 90 days prior to delivery for introduction into interstate commerce for all new products.'' Under this assumption, the number of respondents is equal to the number of total annual responses FDA estimated from previous submissions. This assumption will facilitate future burden estimates, allow us to refine the estimated burden to include only the products that need to report HPHCs under section 904(c)(1) of the FD&C Act, and avoid data suppression issues with disaggregated Alcohol and Tobacco Tax and Trade Bureau data.

- Cigarette—section 904(c)(1) Reporting of Manufacturer/Importer Company and Product Information by Completing Submission Forms/Testing of HPHC is reflecting a reduction in 137 respondents from 380 to 243.
- Roll Your Own Tobacco Product—section 904(c)(1) Reporting of Manufacturer/Importer Company and Product Information by Completing Submission Forms is reflecting a reduction in 9 respondents from 19 to 10.
- Smokeless—section 904(c)(1) Reporting of Manufacturer/Importer Company and Product Information by Completing Submission Forms is reflecting an increase in 7 respondents from 25 to 32.

The cumulative changes to the estimated burden for this information collection reflects an overall decrease of 6,727 burden hours and a corresponding decrease of 139 responses.

Dated: June 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11959 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–0373]

Agency Information Collection Activities; Proposed Collection; Comment Request; Registration of Food Facilities

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of the Agency's regulations that require registration for domestic and foreign facilities that manufacture, process, pack, or hold food for human or animal consumption in the United States.

DATES: Either electronic or written comments on the collection of information must be submitted by August 26, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 26, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your

comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–0373 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Registration of Food Facilities.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Registration of Food Facilities

OMB Control Number 0910–0502—Extension

This information collection supports FDA regulations. The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) amended the Federal Food, Drug, and Cosmetic Act (FD&C Act), to require, among other things, domestic and foreign facilities that manufacture, process, pack, or hold food for human or animal consumption in the United States to register with FDA. Sections 1.230 to 1.235 of our regulations (21 CFR part 1) set forth the requirements for the registration of food facilities. Information provided to us under these regulations helps us to quickly notify the facilities that might be affected by a deliberate or accidental contamination of the food supply. In addition, data collected through registration is used to support FDA enforcement activities and to screen imported food shipments.

Advanced notice of imported food allows FDA, with the support of U.S. Customs and Border Protection, to target import inspections more effectively and help protect the nation's food supply against terrorist acts and other public health emergencies. If a facility is not registered or the registration for a facility is not updated when necessary, we may not be able to contact the facility and may not be able to target import inspections effectively in case of a known or potential threat to the food supply or other food-related emergency, putting consumers at risk of consuming hazardous food products that could cause serious adverse health consequences or death.

To assist respondents of the information collection we developed the following forms. Each facility that manufactures, processes, packs, or holds food for human or animal consumption in the United States must register with FDA using Form FDA 3537 entitled ''Food Facility Registration'' (§ 1.231), unless exempt under § 1.226 from the requirement to register. To cancel a registration, respondents must use Form FDA 3537a entitled ''Cancellation of Food Facility Registration'' (§ 1.235). The terms ''Form FDA 3537'' and ''Form FDA 3537a'' refer to both the paper version of each form and the electronic system known as the Food Facility Registration Module, which is available at *https://www.access.fda.gov.* Registrations, updates, and cancellations are required to be

submitted electronically. Domestic facilities are required to register whether or not food from the facility enters interstate commerce. Foreign facilities that manufacture, process, pack, or hold food also are required to register unless food from that facility undergoes further processing (including packaging) by another foreign facility outside the United States. However, if the further manufacturing/processing conducted by the subsequent facility consists of adding labeling or any similar activity of a de minimis nature, the former facility is required to register. In addition to the initial registration requirements, a facility is required to submit timely updates within 60 days of a change to any required information on its registration form, using Form FDA 3537 (§ 1.234), and to cancel its registration when the facility ceases to operate or is sold to new owners or ceases to manufacture, process, pack, or hold food for consumption in the United States, using Form FDA 3537a (§ 1.235).

Registration is one of several tools under the Bioterrorism Act that enables us to act quickly in responding to a threatened or actual bioterrorist attack on the U.S. food supply or other food-related emergency. Further, in the event of an outbreak of foodborne illness, the information provided helps us determine the source and cause of the event and enables us to quickly notify food facilities that might be affected by an outbreak, terrorist attack, or other emergency. Finally, the registration requirements enable us to quickly identify and remove from commerce an article of food for which there is a reasonable probability that the use of or exposure to such article of food will cause serious adverse health consequences or death to humans or animals.

Description of Respondents: Respondents to this collection of information are owners, operators, or agents in charge of domestic or foreign facilities that manufacture, process, pack, or hold food for human or animal consumption in the United States.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity; 21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
New domestic facility registration; 1.230–1.233	7,420	1	7,420	2.7	20,034
New foreign facility registration; 1.230–1.233	17,592	1	17,592	8.7	153,050
Updates; 1.234	124,001	1	124,001	1.2	148,801
Cancellations; 1.235	464	1	464	1	464
Biennial renewals; 1.235	89,182	1	89,182	0.38	33,889
3rd party registration verification	6,491	1	6,491	0.25	1,623
U.S. Agent verification	15,655	1	15,655	0.25	3,914
Total			260,805		361,775

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have increased our burden estimate by 83,393 hours (from 278,382 to 361,775), although the number of responses decreased by 19,122 (from 279,927 to 260,805). Among other considerations, we attribute this adjustment primarily due to a significant increase in the number of foreign facility registrations and updates submitted coupled with a drastic decrease in the number of cancellations and third-party registration and U.S. Agent verifications submitted.

Dated: June 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11951 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0744]

Antibacterial Therapies for Patients With an Unmet Medical Need for the Treatment of Serious Bacterial Diseases—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 ''Antibacterial Therapies for Patients With an Unmet Medical Need for the Treatment of Serious Bacterial Diseases—Questions and Answers.'' This guidance assists in the clinical development of new antibacterial drugs to treat serious bacterial diseases in patients with unmet medical needs, including patients with a serious bacterial disease for which effective antibacterial drugs are limited or lacking. This guidance finalizes the draft guidance entitled ''Antibacterial Therapies for Patients With an Unmet Medical Need for the Treatment of Serious Bacterial Diseases—Questions and Answers (Revision 1)'' issued on May 24, 2022.

DATES: The announcement of the guidance is published in the **Federal Register** on June 27, 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–2013–D–0744 for ''Antibacterial Therapies for Patients With an Unmet Medical Need for the Treatment of Serious Bacterial Diseases—Questions and Answers.'' 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: Ramya Gopinath, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Avenue, Bldg. 22, Rm. 6150, Silver Spring, MD 20993, 240–402–5328.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Antibacterial Therapies for Patients With an Unmet Medical Need for the Treatment of Serious Bacterial Diseases—Questions and Answers.'' The Federal Food, Drug, and Cosmetic Act (FD&C Act) provides several regulatory programs that are intended to expedite development and review of drugs for serious conditions. For example, section 3042 of the 21st Century Cures Act (Pub. L. 114–255) established the limited population pathway for antibacterial and antifungal drugs (LPAD), to facilitate the development of certain drugs that are intended to treat a serious or life-threatening infection in a limited population of patients with unmet medical needs. The purpose of this guidance is to assist sponsors in the clinical development of new antibacterial drugs to treat serious bacterial diseases in patients with unmet medical needs. FDA considered the applicability of Executive Order 14192, per OMB guidance in M–25–20, and finds this action to be deregulatory in nature.

This guidance finalizes the draft guidance entitled ''Antibacterial Therapies for Patients With an Unmet Medical Need for the Treatment of Serious Bacterial Diseases—Questions and Answers (Revision 1)'' issued on May 24, 2022 (87 FR 31568). FDA provided clarifying edits to the final guidance and included additional information after considering comments received on the draft guidance. Edits included deleting the nested noninferiority trials/superiority clinical trials section because of difficulty in interpreting such trials, updating the add-on superiority trial design section, and updating to include subjects with infections across body sites in trials.

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 ''Antibacterial Therapies for Patients With an Unmet Medical Need for the Treatment of Serious Bacterial Diseases—Questions and Answers.'' 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 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 for the submissions of investigational new drug applications, including clinical trial design, have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 314 pertaining to the submissions of new drug applications have been approved under OMB control number 0910–0001. The collections of information in the guidance for industry entitled ''Expedited Programs for Serious Conditions—Drugs and Biologics'' have been approved under OMB control number 0910–0765. The collections of information in 21 CFR 201.56 and 201.57 for the content and format requirements for labeling of drugs and

biologics 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 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11928 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0378]

Agency Information Collection Activities; Proposed Collection; Comment Request; Exemptions From Substantial Equivalence Requirements for Tobacco Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on ''Exemptions From Substantial Equivalence Requirements for Tobacco Products.''

DATES: Either electronic or written comments on the collection of information must be submitted by August 26, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 26, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–N–0378 for ''Exemptions From Substantial Equivalence Requirements for Tobacco Products.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this

requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Exemptions From Substantial Equivalence Requirements for Tobacco Products

OMB Control Number 0910–0684—Extension

This information collection supports Food and Drug Administration guidance. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors.

Tobacco products are governed by chapter IX of the FD&C Act (sections 900 through 920) (21 U.S.C. 387 through 387t). Section 201(rr) of the FD&C Act (21 U.S.C. 321(rr)), as amended, defines a tobacco product as ''any product made or derived from tobacco or containing nicotine from any source that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).''

The FD&C Act, requires that before a new tobacco product may be introduced or delivered for introduction into interstate commerce, the new tobacco product must undergo premarket review by FDA. FDA must issue an order authorizing the commercial distribution of the new tobacco product or find the product exempt from the requirements of substantial equivalence under section 910(a)(2)(A) of the FD&C Act, before the product may be introduced into commercial distribution.

FDA has established a pathway for manufacturers to request exemptions from the substantial equivalence requirements of the FD&C Act in § 1107.1 (21 CFR 1107.1) of the Agency's regulations. As described in § 1107.1(a), FDA may exempt tobacco products that are modified by adding or deleting a tobacco additive, or increasing or decreasing the quantity of an existing tobacco additive, from the requirement of demonstrating substantial equivalence if the Agency determines that: (1) the modification would be a minor modification of a tobacco product that can be sold under the FD&C Act, (2) a report demonstrating substantial equivalence is not necessary to ensure that permitting the tobacco product to be marketed would be appropriate for the protection of public health, and (3) an exemption is otherwise appropriate.

Section 1107.1(b) states that a request for exemption under section 905(j)(3) of the FD&C Act may be made only by the manufacturer of a legally marketed tobacco product for a minor modification to that tobacco product and that the manufacturer must submit the request and all information supporting it to FDA. The request must be made in an electronic format that FDA can process, review, and archive (or a written request must be made by the manufacturer explaining in detail why the manufacturer cannot submit the request in an electronic format and requesting an alternative means of submission to the electronic format).

An exemption request must contain: (1) The manufacturer's address and contact information; (2) identification of the tobacco product(s); (3) a detailed explanation of the purpose for the modification; (4) a detailed description of the modification, including a statement as to whether the modification involves adding or deleting a tobacco additive, or increasing or decreasing the quantity of the existing tobacco additive; (5) a detailed explanation of why the modification is a minor modification of a tobacco product that can be sold under the FD&C Act; (6) a detailed explanation of why a report under section 905(j)(1) of the FD&C Act intended to demonstrate substantial equivalence is not necessary to ensure that permitting the tobacco product to be marketed would be appropriate for protection of the public health; (7) a certification (*i.e.,* a signed statement by a responsible official of the company) summarizing the supporting evidence and providing the rationale for the official's determination that the modification does not increase the tobacco product's appeal to or use by minors, toxicity, addictiveness, or abuse liability; (8) other information justifying an exemption; and (9) an environmental assessment (EA) under Part 25 (21 CFR part 25) prepared in accordance with the requirements of § 25.40.

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4347) states national environmental objectives and imposes on each Federal Agency the duty to consider the environmental effects of its actions. Section 102(2)(C) of NEPA requires the preparation of an environmental impact statement for every major Federal action that will significantly affect the quality of the human environment.

The FDA NEPA regulations are contained in part 25. All applications for exemption from substantial equivalence require the submission of an EA. An EA provides information that is used to determine whether an FDA action could result in a significant environmental impact. Section 25.40(a) and (c) specifies the content requirements for EAs for nonexcluded actions.

The information required by § 1107.1(b) is submitted to FDA so FDA can determine whether an exemption from substantial equivalence to the product is appropriate for the protection of the public health. Section 1107.1(c) states that FDA will review the information submitted and determine whether to grant or deny an exemption based on whether the criteria in section 905(j)(3) of the FD&C Act are met. FDA may request additional information if necessary, to make a determination and may consider the exemption request withdrawn if the information is not provided within the requested timeframe.

This collection of information also contains a requirement that a manufacturer submit a report (referred to as an ''abbreviated report'') at least 90 days prior to making an introduction or delivery for introduction into interstate commerce for commercial distribution of a tobacco product. Section 905(j)(1)(A)(ii) of the FD&C Act states that if an exemption has been requested and granted, a report must be submitted to FDA that demonstrates that the tobacco product is modified within the meaning of section 905(j)(3), the modifications are to a product that is commercially marketed and in compliance with the requirements of the FD&C Act, and all of the modifications are covered by exemptions granted by the Secretary of Health and Human Services (the Secretary) under section 905(j)(3).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section and activity	Number of respondents	Number of responses per respondent [2]	Total annual responses	Average burden per response (in hours)	Total hours
§ 1107.1(b) Optional Preparation of Tobacco Product Exemption From Substantial Equivalence Request Including § 25.40 Preparation of an Environmental Assessment					
§ 1107.1(b)—Preparation of tobacco product exemption from substantial equivalence request and § 25.40—Preparation of an environmental assessment	682	1	682	24	16,368
Total Hours (§ 1107.1(b))					16,368
§ 1107.1(c) Preparation of Additional Information for Tobacco Product Exemption From Substantial Equivalence Request					
§ 1107.1(c)—Preparation of additional information for tobacco product exemption from substantial equivalence request	150	1	150	3	450
Total Hours (§ 1107.1(c))					450
Section 905(j)(1)(A)(ii) of the FD&C Act: If exemption granted, report submitted to demonstrate tobacco product is modified under section 905(j)(3), modifications are to a product that is commercially marketed and compliant, and modifications covered by exemptions granted by Secretary under section 905(j)(3)					
Abbreviated report submitted to demonstrate tobacco product is modified under section 905(j)(3), modifications are to a product that is commercially marketed and compliant, and modifications covered by exemptions granted by Secretary under section 905(j)(3)	186	1	186	2	372
Total Hours (section 905(j)(1)(A)(ii)) of the FD&C Act					372
Total Hours Exemptions From Substantial Equivalence Requirements					17,190

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA estimates that we will receive 682 exemption requests under § 1107.1(b) for 24 hours per response including EA for a total of 16,368 hours. We have reduced the number of respondents from 812 to 682 based on the average number of applications received during the past 3 fiscal years. Since an EA is required for each § 1107.1(b) (Optional Preparation of Tobacco Product Exemption From Substantial Equivalence Request), the burden per response for EAs (12 hours) has been combined with the 12 hours for a substantial equivalence request for a total of 24 hours per response.

FDA further estimates that we will receive 150 submissions requiring additional information in support of the initial exemption request, and it is expected that it will take an average of 3 hours to prepare the additional information for a total of 450 hours.

FDA estimates that 186 respondents will prepare 186 responses and each response will take approximately 2 hours to prepare, as required by section 905(j)(1)(A)(ii) of the FD&C Act, for a total of 372 hours. We have reduced the number of respondents as required by section 905(j)(1)(A)(ii) (abbreviated reports) from 1,217 to 186 based on the average authorizations issued during the past 3 fiscal years. This collection of information requires a manufacturer to submit a report at least 90 days prior to making an introduction or delivery for introduction into interstate commerce for commercial distribution of a tobacco product. Section 905(j)(1)(A)(ii) of the FD&C Act states that if an exemption has been requested and granted, the manufacturer must submit to FDA a report that demonstrates that the tobacco product is modified within the meaning of section 905(j)(3), the modifications are to a product that is commercially marketed and in compliance with the requirements of the FD&C Act, and all the modifications are covered by exemptions granted by the Secretary under section 905(j)(3).

Our estimated burden for the information collection reflects an overall decrease of 5,182 hours and 1,161 respondents. We attribute this adjustment to the number of submissions we received over the past few years. Therefore, FDA now estimates the burden for exemptions from substantial equivalence requirements is 17,190 hours.

Dated: June 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11950 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–5579]

Agency Information Collection Activities; Proposed Collection; Comment Request; Accreditation of Third-Party Certification Bodies To Conduct Food Safety Audits and Issue Certifications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the

Federal Register concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection requirements for the accreditation of third-party certification bodies to conduct food safety audits and issue certifications.

DATES: Either electronic or written comments on the collection of information must be submitted by August 26, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 26, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–N–5579 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Accreditation of Third-Party Certification Bodies to Conduct Food Safety Audits and Issue Certifications.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Accreditation of Third-Party Certification Bodies To Conduct Food Safety Audits and Issue Certifications—21 CFR Part 1, Subpart M

OMB Control Number 0910–0750—Extension

This information collection supports FDA's Accredited Third-Party Certification Program (also referred to as the third-party food program or TPP), administered under section 808 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 384d), and codified in 21 CFR part 1, subpart M (21

CFR 1.600 through 1.725) of Agency regulations. The regulation communicates eligibility criteria, assessment standards, and establishes procedures and requirements for participation. For more information visit our website at *https://www.fda.gov/food/importing-food-products-united-states/accredited-third-party-certification-program.*

Under TPP, accreditation bodies (ABs) apply to FDA for recognition. Recognized ABs accredit third-party certification bodies (CBs) under the program, except in limited circumstances. The accredited CBs conduct food safety audits and issue food or facility certifications to eligible foreign entities. Section 808(c)(2)(B) of the FD&C Act specifies that FDA uses certifications issued by accredited CBs under TPP in deciding whether to admit certain imported food (both food for human and food for animals) into the United States that we have determined poses a food safety risk under section 801(q) of the FD&C Act (21 U.S.C. 381(q)) and in deciding whether an importer is eligible to participate in a program for expedited review and entry under section 806 of the FD&C Act (21 U.S.C. 384b). Under TPP, FDA may grant recognition of an AB for up to 5 years from the date of recognition. There are current AB participants that are recognized through fiscal year 2027 or 2028 and will need to submit renewal of recognition applications to continue their participation. Specific requirements and procedures are found in 21 CFR part 1, subpart M.

There are approximately 200,000 foreign food (both food for human and food for animals) exporters who offer their food products for import into the United States. These foreign food exporters include approximately 130,000 food production facilities and approximately 71,000 farms. A proportion of these foreign food exporters may offer food subject to mandatory certification requirements under section 801(q)(3) of the FD&C Act. In that case, to continue importing food products into the United States, eligible entities must either obtain certification from a CB accredited under TPP, or obtain certification from a foreign government designated by FDA. We assume in any given year, 75 foreign food exporters will be subject to requirements in section 801(q) of the FD&C Act.

Use of accredited CBs and food and facility certifications issued under TPP helps reduce the number of redundant audits necessary to assess compliance with food safety requirements of the FD&C Act and applicable regulations. We have developed Forms FDA 3997 and FDA 3997a to enable respondents to submit required data elements using FDA's Unified Registration Listing System (FURLS), an electronic portal (Forms FDA 3997 for ABs and 3997a for CBs) that enables respondents to complete data fields and provide information to FDA electronically. The AB and CB portals provide a standardized format for entering information, prompting respondents for input, and facilitating FDA's review of the submittal. Respondents are subject to user fees for application, renewal, and annual fees, as set forth in 21 CFR 1.700 through 1.725. The user fee rates are calculated each fiscal year and published in the **Federal Register** before the start of a new fiscal year. Electronic portal instructions and user fee information may be accessed at *https://www.fda.gov/food/importing-food-products-united-states/accredited-third-party-certification-program.*

Respondents to the collection of information are the accredited CBs that conduct audits and issue certifications to eligible entities, the ABs and CBs seeking to participate in TPP, and the recognized ABs and accredited CBs complying with the TPP requirements. An accredited CB is a foreign government, agency of a foreign government, foreign cooperative, or any other third party that a recognized AB (or, in the case of direct accreditation, FDA) has determined meets the applicable requirements of TPP and is accredited to conduct food safety audits and to issue food or facility certifications to eligible entities. An AB is an authority, such as a private third-party, foreign government, or foreign agency, that performs accreditation of CBs. A recognized AB is an AB that FDA has determined meets the applicable requirements of TPP and is authorized to accredit CBs under TPP.

We estimate the burden of the information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR part 1; subpart M	Number of respondents	Number of responses per respondent [2]	Total annual responses	Average burden per response [2]	Total hours
AB applications, applications for renewals, notifications, and revocations.	25	11.36	284	3.18	903
CB certifications, regulatory audits and assessments, notifications.	208	147.30	30,638	0.25 (15 minutes)	7,660
CB applications for direct accreditation & renewal	1	1	1	90	90
Total			30,923		8,653

[1] There are no capital costs or operating and maintenance costs associated with annual reporting.
[2] Figures rounded to nearest 1/100th as calculated based on total number of records and hours.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR part 1; subpart M	Number of recordkeepers	Number of records per recordkeeper [2]	Total annual records	Average burden per recordkeeping [2]	Total hours
AB documenting procedures for accreditation; maintaining applicable records.	25	426.56	10,664	0.25 (15 minutes)	2,666
AB establishing and updating public list of CBs	25	1	25	52.8	1,320
CB documenting certification procedures; maintaining applicable records (audits, certifications, serious risks).	208	113.04	23,512	0.35 (~20 minutes)	8,229
CB establishing and updating public list of eligible entities	208	1.31	273	44.19	12,064

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]—Continued

21 CFR part 1; subpart M	Number of recordkeepers	Number of records per recordkeeper [2]	Total annual records	Average burden per recordkeeping [2]	Total hours
Contract modification	7	9	63	2	126
Total			34,537		24,405

[1] There are no capital or operating and maintenance costs associated with the annual recordkeeping burden.
[2] Figures rounded to the nearest 1/100th as calculated based on total number of records and hours.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: June 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11962 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–5944]

Agency Information Collection Activities; Proposed Collection; Comment Request; Sanitary Transportation of Human and Animal Food

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection requirements associated with the sanitary transportation of human and animal food.

DATES: Either electronic or written comments on the collection of information must be submitted by August 26, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 26, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked, and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–N–5944 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Sanitary Transportation of Human and Animal Food.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts

and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Sanitary Transportation of Human and Animal Food—21 CFR Part 1, Subpart O

OMB Control Number 0910–0773—Extension

This information collection supports FDA regulations regarding the sanitary transportation of human and animal food. Section 402(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 342(i)), establishes that food that is transported or offered for transport by a shipper, carrier by motor vehicle or rail vehicle, receiver, or any other person engaged in the transportation of food under conditions that are not in compliance with the regulations issued under section 416 is adulterated. Section 416 (21 U.S.C. 350e) of the FD&C Act, requires shippers, carriers by motor vehicle or rail vehicle, receivers, and other persons engaged in the transportation of food to use prescribed sanitary transportation practices to ensure that food is not transported under conditions that may render the food adulterated. Section 416 of the FD&C Act also directs that we prescribe appropriate human and animal food transportation practice requirements relating to: (1) sanitation; (2) packaging, isolation, and other protective measures; (3) limitations on the use of vehicles; (4) information to be disclosed to carriers and to manufacturers; and (5) recordkeeping.

Additionally, section 703 of the FD&C Act (21 U.S.C. 373) provides that a shipper, carrier by motor vehicle or rail vehicle, receiver, or other person subject to section 416 of the FD&C Act must, on request of an officer or employee designated by FDA, permit the officer or employee, at reasonable times, to have access to and to copy all records that are required to be kept under the regulations issued under section 416.

Accordingly, we issued regulations in 21 CFR part 1, subpart O (21 CFR 1.900 through 1.934) that establish requirements for the sanitary transportation of human and animal food, as well as prescribe procedures for respondents who wish to request a waiver for any requirement. Under section 1.924 of 21 CFR part 1, subpart O, waivers are requested in the same manner as prescribed in § 10.30 (21 CFR 10.30). Electronic submissions are accepted via *www.regulations.gov* as prescribed in § 10.30(b)(1). The collections of information in § 10.30 have been approved under OMB control number 0910–0191. For additional information regarding Agency implementation of sections 402(i), 416, and 703 of the FD&C Act, visit our website at *https://www.fda.gov/food/food-safety-modernization-act-fsma/fsma-final-rule-sanitary-transportation-human-and-animal-food.*

Description of Respondents: Respondents to this collection of information are domestic shippers and carriers, and in certain circumstances, foreign shippers of human and animal food. Respondents are from the private sector (for-profit businesses).

We estimate the burden of the information collection as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
1.912; Record retention	1,502,032	1	1,502,032	0.083 (5 minutes)	124,669

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
1.914; Waiver petitions	2	1	2	24	48

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR section; activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
1.908; Disclosure of sanitary specifications; operating temperature conditions.	226	1	226	0.5833 (~35 mins.)	132

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate. However, we note that due to rounding, the number of total burden hours recorded by OMB (124,848 hours) has increased by one hour (now 124,849 hours).

Dated: June 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11958 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0354]

Agency Information Collection Activities; Proposed Collection; Comment Request; Substances Prohibited From Use in Animal Food or Feed; Animal Proteins Prohibited in Ruminant Feed

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the recordkeeping requirements regarding animal proteins prohibited in ruminant feed.

DATES: Either electronic or written comments on the collection of information must be submitted by August 26, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 26, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–N–0354 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Substances Prohibited From Use in Animal Food or Feed; Animal Proteins Prohibited in Ruminant Feed.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://*

www.regulations.gov and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Substances Prohibited From Use in Animal Food or Feed; Animal Proteins Prohibited in Ruminant Feed

OMB Control Number 0910–0339—Extension

This information collection was established because epidemiological evidence gathered in the United Kingdom suggested that bovine spongiform encephalopathy (BSE), a progressively degenerative central nervous system disease, is spread to ruminant animals by feeding protein derived from ruminants infected with BSE. Agency regulation at § 589.2000 (21 CFR 589.2000), authorized by section 701(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 371(a)), provides that animal protein derived from mammalian tissue (with some exclusions) is not generally recognized as safe (GRAS) for use in ruminant feed and is a food additive subject to certain provisions of the FD&C Act (62 FR 30936, June 5, 1997). The regulation places general requirements on persons that manufacture, blend, process, and distribute products that contain, or may contain, protein derived from mammalian tissue, and feeds made from such products.

Specifically, § 589.2000(e)(1)(iv) requires renderers, feed manufacturers, and others involved in feed and feed ingredient manufacturing and distribution to maintain written procedures specifying the cleanout procedures or other means and specifying the procedures for separating products that contain or may contain protein derived from mammalian tissue from all other protein products from the time of receipt until the time of shipment. These written procedures are intended to help the firm formalize consistent processes, and then to help inspection personnel confirm that the firm is conducting these processes in compliance with the regulation. Inspection personnel will evaluate the written procedure and confirm it is being followed when they are conducting an inspection. These written procedures must be maintained if the facility is operating in a manner that necessitates the record, and if the facility makes changes to an applicable procedure or process, the record must be updated. Consistent with § 589.2000(h), written procedures shall be made available for inspection and copying by FDA, and records made available for inspection and copying by FDA must be retained for 1 year.

Description of Respondents: Respondents include renderers, feed manufacturers, and others involved in feed and feed ingredient manufacturing and distribution.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR part	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Written procedures; 589.2000(e)(1)(iv)	175	1	225	12	2,100

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We base our estimate of the number of recordkeepers on inspectional data. Based on a review of the information collection since our last request for OMB approval, we have adjusted our burden estimate, which has resulted in a decrease of 1,050 hours to the currently approved burden. Review of our inspection data suggests that the number of facilities that need to conduct these separation practices is gradually decreasing. These facilities are aware of the requirements of the BSE rule (*https://www.fda.gov/food/hfp-constituent-updates/fda-announces-final-rule-bovine-spongiform-encephalopathy*). Compliance with this rule also helps them comply with the requirements of the Food Safety Modernization Act Preventive Controls in Animal Food rule (*https://www.fda.gov/food/food-safety-modernization-act-fsma/fsma-final-rule-preventive-controls-animal-food*) which require every firm to have a written food safety plan. The written procedure required by the BSE rule could be used as part of a facility's food safety plan. Regardless, the number of facilities subject to this portion of the BSE rule is decreasing, and therefore, we have decreased the number of facilities who must comply, as well as the total number of hours needed to comply with this burden.

Dated: June 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11956 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0352]

Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Industry on Establishing That a Tobacco Product Was Commercially Marketed in the United States as of February 15, 2007

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on Guidance for Industry on Establishing That a Tobacco Product Was Commercially Marketed in the United States as of February 15, 2007.

DATES: Either electronic or written comments on the collection of information must be submitted by August 26, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 26, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–N–0352 for ''Guidance for Industry on Establishing That a Tobacco Product Was Commercially Marketed in the United States as of February 15, 2007.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and

assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Guidance for Industry on Establishing That a Tobacco Product Was Commercially Marketed in the United States as of February 15, 2007

OMB Control Number—0910–0775 Extension

This information collection supports Food and Drug Administration guidance. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors.

Tobacco products are governed by chapter IX of the FD&C Act (sections 900 through 920) (21 U.S.C. 387 through 387t). Section 201(rr) of the FD&C Act (21 U.S.C. 321(rr)), as amended, defines a tobacco product as any product made or derived from tobacco, or containing nicotine from any source, that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product). Section 910 of the FD&C Act sets out premarket requirements for new tobacco products. The term new tobacco product is defined as any tobacco product (including those products in test markets) that was not commercially marketed in the United States as of February 15, 2007, or any modification (including a change in design, any component, any part, or any constituent, including a smoke constituent, or in the content, delivery, or form of nicotine, or any other additive or ingredient) of a tobacco product where the modified product was commercially marketed in the United States after February 15, 2007 (section 910(a)(1) of the FD&C Act).

FDA refers to tobacco products that were commercially marketed (including those products in test markets) in the United States as of February 15, 2007, as Pre-Existing tobacco products. Pre-Existing tobacco products are not considered new tobacco products and are not subject to the premarket requirements of section 910 of the FD&C Act. The guidance document associated with this information collection provides information on how a manufacturer may establish that a tobacco product was commercially marketed in the United States as of February 15, 2007. A Pre-Existing tobacco product (except such products exclusively in test markets) may also serve as the predicate tobacco product in a section 905(j) report (intended to be used toward demonstrating substantial equivalence) for a new tobacco product (section 905(j)(1)A)(i)) of the FD&C Act.

The guidance document ''Establishing That a Tobacco Product Was Commercially Marketed in the United States as of February 15, 2007 (Revised)'' (2023) (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/establishing-tobacco-product-was-commercially-marketed-united-states-february-15-2007-revised*) recommends that the manufacturer submit information adequate to demonstrate that the tobacco product was commercially marketed in the United States as of February 15, 2007. Examples of such information may include, but are not limited to, the following: dated copies of advertisements, dated catalog pages, dated promotional material, and dated bills of lading.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (in hours)	Total hours
Submit evidence of commercial marketing in the United States as of February 15, 2007	500	1	500	5	2,500

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA's estimate of the number of respondents is based on the fact that requesting an Agency determination of the Pre-Existing status of a tobacco product under the guidance is not required and also on the number of Pre-Existing tobacco product submissions received from 2011 to October 2024. All new tobacco products require a marketing authorization order from FDA before introducing such products in the U.S. market. If a deemed new tobacco product was on the market as of August 8, 2016, a marketing application was required to be submitted by September 9, 2020 as required by the Court, and as set forth in the Center for Tobacco Products compliance policy (see exception for premium cigars).[1] A marketing application must be submitted and receive authorization to market a new tobacco product that was not on the market as of August 8, 2016.[2] The number of hours to gather the evidence is FDA's estimate of how long it might take a manufacturer to review, gather, and submit dated information if making a request for Agency determination.

FDA further estimates it would take a manufacturer approximately 5 hours to put together this collection of evidence and to submit the package to FDA for review. FDA estimates that it would take approximately 2,500 hours annually to respond to this collection of information.

We have adjusted our burden estimate, which has resulted in a decrease to the currently approved burden. Our estimated burden for the information collection reflects an overall decrease of 2,500 hours and a corresponding decrease of 500 responses. The number of submissions FDA received to establish marketing as of February 15, 2007 has decreased and we have therefore revised the number of respondents to the information collection based on this data.

[1] Cigar Ass'n of Am. v. FDA, No. 16–cv–01460, Dkt. No. 277 (D.D.C. Aug. 9, 2023). FDA has appealed this decision. See *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/enforcement-priorities-electronic-nicotine-delivery-system-ends-and-other-deemed-products-market.*

[2] See *https://www.fda.gov/tobacco-products/manufacturing/submit-tobacco-product-applications-deemed-tobacco-products#:~:text=On%20August%208%2C%202016%2C%20all,authorization%20requirements%20in%20the%20Federal.*

Dated: June 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11961 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–D–1158]

Cybersecurity in Medical Devices: Quality System Considerations and Content of Premarket Submissions; Guidance for Industry and Food and Drug Administration 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 final guidance entitled ''Cybersecurity in Medical Devices: Quality System Considerations and Content of Premarket Submissions.'' This guidance updates the previous version of the guidance, of the same title, issued on September 27, 2023, and finalizes the draft guidance entitled ''Select Updates for the Premarket Cybersecurity Guidance: Section 524B of the FD&C Act'' issued on March 13, 2024. This guidance provides FDA's recommendations to industry regarding cybersecurity device design, labeling, and the documentation that FDA recommends be included in premarket submissions for devices with cybersecurity risk. Additionally, this guidance has been updated to identify the information FDA generally considers to be necessary for cyber devices to support obligations under the new amendments to the Federal Food, Drug, and Cosmetic Act (FD&C Act) for ensuring cybersecurity of devices.

DATES: The announcement of the guidance is published in the **Federal Register** on June 27, 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–2021–D–1158 for ''Cybersecurity in Medical Devices: Quality System Considerations and Content of Premarket Submissions.'' 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)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Cybersecurity in Medical Devices: Quality System Considerations and Content of Premarket Submissions'' to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5441, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Suzanne Schwartz, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5410, Silver Spring, MD 20993–0002, 301–796–6937; or Phillip Kurs, Center for Biologics Evaluation and Research, Food and Drug Administration, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

Section 3305 of the Food and Drug Omnibus Reform Act of 2022, enacted on December 29, 2022, added section 524B ''Ensuring Cybersecurity of Medical Devices'' to the FD&C Act. Under section 524B(a) of the FD&C Act

(21 U.S.C. 360n–2(a)), a person who submits a 510(k), premarket approval application (PMA), product development protocol (PDP), De Novo, or humanitarian device exemption (HDE) for a device that meets the definition of a cyber device, as defined under section 524B(c) of the FD&C Act, is required to submit information to ensure that cyber devices meet the cybersecurity requirements under section 524B(b) of the FD&C Act.

FDA has updated the final guidance ''Cybersecurity in Medical Devices: Quality System Considerations and Content of Premarket Submissions'' to identify the cybersecurity information FDA considers to generally be necessary to support obligations under section 524B of the FD&C Act for cyber devices. Specifically, the new section in this guidance discusses who is required to comply with section 524B, the devices subject to section 524B, and the documentation recommendations for applicable premarket submissions. Additionally, FDA provides recommendations regarding premarket submissions for changes to cyber devices that had been previously authorized by FDA through 510(k), PMA, PDP, De Novo, and HDE submission pathways, and that require premarket submission. The new section also discusses FDA's review of whether there is a reasonable assurance that the device and related systems are cybersecure for marketing authorizations submitted for cyber devices. The new section of the guidance provides recommendations specifically for cyber devices, however, the recommendations throughout the guidance may help manufacturers of cyber devices meet their obligations under section 524B of the FD&C Act.

This guidance updates the final guidance ''Cybersecurity in Medical Devices: Quality System Considerations and Content of Premarket Submissions.'' This guidance also finalizes the draft guidance entitled ''Select Updates for the Premarket Cybersecurity Guidance: Section 524B of the FD&C Act.'' FDA considered the applicability of Executive Order 14192, per OMB guidance in M–25–20, and finds this action to be deregulatory in nature.

A notice of availability of the draft guidance appeared in the **Federal Register** of March 13, 2024 (89 FR 18421). FDA considered comments received and revised the draft guidance as appropriate in response to the comments, including providing additional examples to help clarify new terminology used as a result of the requirements in section 524B of the FD&C Act. Additionally, FDA has provided additional clarity regarding the recommended documentation manufacturers should submit when submitting a premarket submission for a device modification that is unlikely to impact the cybersecurity of the device.

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 Cybersecurity in Medical Devices: Quality System Considerations and Content of Premarket Submissions. 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. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products.* This guidance document is also available at *https://www.regulations.gov, https://www.fda.gov/regulatory-information/search-fda-guidance-documents* or *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics.* Persons unable to download an electronic copy of ''Cybersecurity in Medical Devices: Quality System Considerations and Content of Premarket Submissions'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number GUI00001825 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

While this guidance contains no new 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 the following table have been approved by OMB:

21 CFR part or guidance	Topic	OMB Control No.
807, subpart E	Premarket notification	0910–0120
814, subparts A through E	Premarket approval	0910–0231
814, subpart H	Humanitarian Use Devices; Humanitarian Device Exemption	0910–0332
812	Investigational Device Exemption	0910–0078
860, subpart D	De Novo classification process	0910–0844
"Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program".	Q-submissions and Early Payor Feedback Request Programs for Medical Devices.	0910–0756
800, 801, 809, and 830	Medical Device Labeling Regulations; Unique Device Identification.	0910–0485
820	Current Good Manufacturing Practice (CGMP); Quality System (QS) Regulation.	0910–0073

Dated: June 20, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11669 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–D–0429]

June 27, 2025—Agency Information Collection Activities; Proposed Collection; Comment Request; Meetings With Industry and Investigators on the Research and Development of Tobacco Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection contained in FDA's guidance titled ''Meetings with Industry and Investigators on the Research and Development of Tobacco Products (Revised).''

DATES: Either electronic or written comments on the collection of information must be submitted by August 26, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 26, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2012–D–0429 for ''Guidance on Meetings with Industry and Investigators on the Research and Development of Tobacco Products.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and

assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Meetings With Industry and Investigators on the Research and Development of Tobacco Products

OMB Control Number 0910–0731—Extension

This information collection supports FDA guidance. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors.

Tobacco products are governed by chapter IX of the FD&C Act (sections 900 through 920) (21 U.S.C. 387 through 21 U.S.C. 387t). The FD&C Act offers tobacco product manufacturers several pathways to obtain an order from FDA to authorize the marketing of a new tobacco product before it may be introduced or delivered into interstate commerce.

To provide assistance with these pathways to market products, FDA will meet with tobacco product manufacturers, importers, researchers, and investigators (or their representatives) when appropriate as described in FDA's guidance titled ''Meetings with Industry and Investigators on the Research and Development of Tobacco Products (Revised)'' (September 2022; *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/meetings-industry-and-investigators-research-and-development-tobacco-products-revised*). This guidance is intended to assist persons who seek meetings with FDA relating to their research to inform the regulation of tobacco products, or to support the development or marketing of tobacco products.

This guidance describes two collections of information: (1) the submission of a meeting request containing certain information and (2) the submission of an information package in advance of the meeting. The purpose of this proposed information collection is to allow FDA to conduct meetings with tobacco manufacturers, importers, researchers, and investigators in an effective and efficient manner. FDA issued this guidance and the revisions consistent with FDA's good guidance practices regulations (21 CFR 10.115).

Meeting Requests: The guidance sets forth FDA's recommendations for materials to be included in a request for a meeting with FDA to discuss the research and development of tobacco products. In the guidance, FDA recommends that the following information be included in the meeting request:

1. Product name;
2. FDA-assigned Submission Tracking Number(s) of prior submissions (*e.g.,* premarket applications, meeting requests) for the product and relevant product version(s) (if applicable);
3. Product category (*e.g.,* cigarettes, smokeless tobacco) (if applicable);
4. Product use (indicate for consumer use or for further manufacturing);
5. Contact information for the authorized point of contact for the company requesting the meeting;
6. The topic of the meeting being requested (*e.g.,* a new tobacco product application, an application for permission to market a modified risk tobacco product, or proposed investigational use of a new tobacco product);
7. A brief statement of the purpose of the meeting, which could include a discussion of the types of studies or data to be discussed at the meeting, the general nature of the primary questions to be asked, and where the meeting fits in the overall product development plans;
8. A preliminary list of the specific objectives/outcomes expected from the meeting;
9. A preliminary proposed agenda, including an estimate of the time needed and a designated speaker for each agenda item;
10. A preliminary list of specific critical questions, grouped by discipline (*e.g.,* chemistry, clinical, nonclinical);
11. A list of all individuals who will attend the meeting on behalf of the tobacco product manufacturer, importer, researcher, or investigator, including titles, responsibilities, and if applicable, identification of prior FDA employment;
12. The date on which the meeting information package will be received by FDA; and
13. Suggested format of the meeting (*e.g.,* conference call, in-person meeting at FDA offices, video conference, or written response) and suggested dates and times for the meeting. Meetings are usually scheduled for 1 hour. FDA is proposing the inclusion of a new recommendation that a meeting request identify prior FDA employment for any individual who will attend the meeting on behalf of the tobacco product manufacturer, importer, researcher, or investigator, if applicable. This information would indicate if the individual is subject to certain post-government employment restrictions.

This information contained in the meeting request will be used by the Agency to: (1) determine the utility of the meeting, (2) identify Agency staff necessary to discuss proposed agenda items, and (3) schedule the meeting.

Meeting Information Packages: An individual submitting a meeting information package to FDA in advance of a meeting should provide summary information relevant to the product and supplementary information pertaining to any issue raised by the individual or FDA to be discussed at the meeting. As stated in the guidance, FDA recommends that meeting information packages generally include updates of information that was submitted with the meeting request and, as applicable:

1. Product composition and design data summary;
2. Manufacturing and process control data summary;
3. Nonclinical data summary;
4. Clinical data summary;
5. Behavioral and product use data summary;
6. User and nonuser perception data summary; and
7. Investigational plans for studies and surveillance of the tobacco product, including a summary of proposed study protocols containing the following information (as applicable):
   a. Study objective(s);
   b. Study hypotheses;
   c. Study design;
   d. Study population (inclusion/exclusion criteria, comparison group(s));
   e. Human subject protection information, including Institutional Review Board information;
   f. Primary and secondary endpoints (definition and success criteria);
   g. Sample size calculation;
   h. Data collection procedures;
   i. Duration of follow up and baseline and follow up assessments, and
   j. Data analysis plan(s).

The purpose of the meeting information package is to provide Agency staff the opportunity to adequately prepare for the meeting, including the review of relevant data concerning the product. In the Agency's experience, reviewing such information is critical to achieving a productive meeting. If the meeting information package was previously submitted in the meeting request, it should be revised, as applicable, so that the information reflects the most current and accurate information available.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity; guidance section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Meeting Requests					
Combining and sending meeting request letters for manufacturers, importers, and researchers; Guidance section III.E	60	1	60	12	720
Meeting Information Packages					
Combining and submitting meeting information packages for manufacturers, importers, and researchers; Guidance section III.K	60	1	60	18	1,080
Total					1,800

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA's estimate of the number of respondents for meeting requests in table 1 is based on the number of meeting requests received and projected over the next 3 years. FDA estimates that 60 meetings will be requested over the next 3 years. We have revised this estimate from 65 respondents to 60 respondents.

The hours per response for combining and sending meeting request letters are estimated at 12 hours each, and the total burden hours for meeting requests are expected to be 720 hours. We have revised the average burden per response from 10 hours to 12 hours. Based on FDA's experience, the Agency expects it will take respondents 720 hours to prepare, gather, copy, and submit brief statements about the product and a description of the purpose and details of the meeting, including identifying prior FDA employment for any individual who will attend the meeting on behalf of the tobacco product manufacturer, importer, researcher, or investigator.

FDA estimates that 60 respondents will compile and submit meeting information packages at 18 hours per response, and the total burden hours for submitting meeting information packages are expected to be 1,080 hours. We have revised this estimate from 65 respondents to 60 respondents. Based on FDA's experience, the Agency expects that it will take respondents, collectively, 1,080 hours to gather, copy, and submit brief statements about the product, a description of the details of the anticipated meeting, and data and information, that generally would already have been generated for the planned research and/or product development.

The total number of burden hours for this collection of information is estimated to be 1,800 hours (720 hours to prepare and submit meeting requests and 1,080 hours to prepare and submit information packages).

Our estimated burden for the information collection reflects an overall decrease of 20 hours. We attribute this adjustment to a decrease in the number of submissions we received over the last few years and our projections for the next 3 years.

Dated: June 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11948 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–2253]

Medical Device User Fee Amendments; Stakeholder Meetings on the Medical Device User Fee Amendments of Fiscal Years 2028 to 2032 Reauthorization; Request for Notification of Stakeholder Intention To Participate

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for notification of participation.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is issuing this notice to request that public stakeholders—including patient and consumer advocacy groups, healthcare professionals, and scientific and academic experts—notify FDA of their intent to participate in periodic consultation meetings on the reauthorization of the Medical Device User Fee Amendments (MDUFA). The statutory authority for MDUFA expires September 30, 2027. At that time, new legislation will be required for FDA to continue collecting user fees for the medical device program. The Federal Food, Drug, and Cosmetic Act (FD&C Act) requires that FDA consult with a range of stakeholders in developing recommendations for the next MDUFA program. The FD&C Act also requires that FDA hold discussions (at least every month) with patient and consumer advocacy groups 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 stakeholder representation.

DATES: Submit notification of intention to participate in these series of meetings on or before July 28, 2025. Stakeholder meetings will be held monthly. It is anticipated that they will commence by October 2025. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: Submit notification of intention to participate in monthly stakeholder meetings by email to *MDUFAVIReauthorization@fda.hhs.gov.* The meetings will be held in person at the FDA White Oak campus, 10903 New Hampshire Ave., Silver Spring, MD 20993 and virtually using the Microsoft Teams platform. Participants must be REAL ID compliant to access federal facilities. For additional information regarding REAL ID, refer to *https://www.dhs.gov/real-id/real-id-faqs.*

FOR FURTHER INFORMATION CONTACT: Nia Benjamin, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Silver Spring, MD 20993–0002, 301–796–5424, *MDUFAVIReauthorization@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is requesting that public stakeholders—including patient and consumer advocacy groups, healthcare professionals, and scientific and academic experts—notify the Agency of

their intent to participate in periodic stakeholder consultation meetings on the reauthorization of MDUFA. MDUFA authorizes FDA to collect user fees from the regulated industry for the process for the review of medical devices. The authorization for the current program (MDUFA V) expires September 30, 2027.

Section 738A(b)(1) of the FD&C Act (21 U.S.C. 379j–1(b)(1)) requires that FDA consult with a range of stakeholders, including representatives from patient and consumer advocacy groups, healthcare professionals, and scientific and academic experts, in developing recommendations for the next MDUFA program. FDA will initiate the reauthorization process by holding a public meeting on August 4, 2025, where stakeholders and other members of the public will be given an opportunity to present their views on the reauthorization. The FD&C Act further requires that FDA continue meeting with the representatives of patient and consumer advocacy groups at least once every month during negotiations with the regulated industry to continue discussions of stakeholder views on the reauthorization. It is anticipated that these monthly stakeholder consultation meetings will commence by October 2025.

FDA is issuing this **Federal Register** notice to request that stakeholder representatives from patient and consumer advocacy groups, healthcare professional associations, as well as scientific and academic experts, notify FDA of their intent to participate in the periodic stakeholder consultation meetings on MDUFA reauthorization. FDA believes that consistent stakeholder representation at these meetings will be important to ensure progress in these discussions. If you wish to participate in the stakeholder consultation meetings, please designate one or more representatives from your organization who will commit to attending these meetings and preparing for the discussions. Stakeholders who identify themselves through this notice, and are otherwise eligible to attend, may participate in all stakeholder consultation discussions while FDA negotiates with the regulated industry. These stakeholder discussions will satisfy the consultation requirement in section 738A(b)(3) of the FD&C Act (21 U.S.C. 379j–1(b)(3)).

II. Notification of Intent To Participate in Periodic Stakeholder Consultation Meetings

If you intend to participate in continued periodic stakeholder consultation meetings regarding MDUFA reauthorization, please provide notification by email to *MDUFAVIReauthorization@fda.hhs.gov* on or before July 28, 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. Stakeholders will receive confirmation and additional information about the first meeting after FDA receives this notification.

Dated: June 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11911 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–1687]

Change in Federal Payment and Collection Options

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is providing notice that, effective October 1, 2025, it will no longer use paper-based (checks, bank drafts, money orders, etc.) methods for federal payments (any payment made by an agency) or collections (the transfer of monies from a source outside the Federal Government to an agency or to a financial institution acting as an agent of the Government) except in limited circumstances where an exemption or waiver exists.

FOR FURTHER INFORMATION CONTACT: Olufunmilayo Ariyo, Office of Financial Management, Food and Drug Administration, 10903 New Hampshire Ave, Silver Spring, MD 20993, 240–402–4989; or the User Fees Support Staff at *OO-OFBA-OFM-UFSS-Government@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Federal payments will be made electronically unless the recipient qualifies for a waiver under 31 CFR part 208. All collections will be processed electronically unless the individuals or entities do not have access to banking services or electronic payment systems; or they qualify for an exception under applicable law. These changes do not apply to national security- or law enforcement-related activities where non-electronic fund transfer transactions are necessary or desirable.

This policy aligns with Executive Order (E.O.) 14247, *Advancing Federal Digital Services,* which directs agencies to improve public-facing digital services and reduce reliance on outdated, manual, or paper-based processes, and E.O. 14249, *Modernizing Financial Transactions,* requiring modernization of federal financial transactions by accelerating the shift toward secure electronic payments and collections, phasing out inefficient legacy methods.

This change has a direct impact on the fiscal year 2026 collections for the following FDA User Fee programs:

- Animal Drug User Fee Act (ADUFA)
- Animal Generic Drug User Fee Act (AGDUFA)
- Prescription Drug User Fee Amendments (PDUFA)
- Medical Device User Fee Amendments (MDUFA)
- Generic Drug User Fee Amendments (GDUFA)
- Biosimilar User Fee Amendments (BsUFA)
- Over-the-Counter Monograph Drug User Fee Program (OMUFA)
- Food Safety Modernization Act (FSMA)
- Compounding Quality Act (CQA)
- Priority Review Vouchers (PRV)
- Mammography Quality Standards Act (MQSA)
- Tobacco User Fees under Section 919 of the Federal Food, Drug, and Cosmetic Act (FD&C Act)
- Export Certificates under Section 801(e)(4)(B) of the FD&C Act
- Color Additive Certification under section 721 of the FD&C Act
- Fees collected under the Freedom of Information Act.

Individuals, corporations, or other public or private entities that qualify for an exemption from the use of electronic funds transfers should reach out to the User Fees Support Staff at *OO-OFBA-OFM-UFSS-Government@fda.hhs.gov* for assistance.

II. Electronic Collection Methods

Beginning on October 1, 2025, payments made to FDA must be made in U.S. currency drawn on a U.S. bank by electronic check, credit card, or wire transfer. The preferred method for payments to FDA is online using electronic check (Automated Clearing House (ACH), also known as eCheck) or credit card (Discover, VISA, MasterCard, American Express). FDA has partnered with the U.S. Department of the Treasury to utilize *Pay.gov*, a web-based

payment application, for online electronic payment. The *Pay.gov* feature is available on the FDA website upon receipt of an invoice or after completing the User Fee Cover Sheet and generating the user fee ID number.

Secure electronic payments to FDA can be submitted using the User Fees Payment Portal at *https://userfees.fda.gov/pay.* (*Note:* Only full payments are accepted; no partial payments can be made online.) Once an invoice or cover sheet is located, ''Pay Now'' should be selected to be redirected to *Pay.gov*. Electronic payment options are based on the balance due. Payment by credit card is available for balances less than $25,000. If the balance exceeds this amount, only the ACH option is available. Payments must be made using U.S. bank accounts as well as U.S. credit cards.

For payments made by wire transfer, include the unique user fee ID or invoice number to ensure that the payment is applied to the correct fee(s). Without the unique user fee ID or invoice number, the payment may not be applied. If the payment amount is not applied, the invoice balance due amount will be referred to collections. The originating financial institution may charge a wire transfer fee. Include applicable wire transfer fees with payment to ensure fees are fully paid. Questions about wire transfer fees should be addressed to the financial institution. The following account information should be used to send payments by wire transfer: U.S. Department of the Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Account No: 75060099, Routing No. 021030004, SWIFT: FRNYUS33. FDA's tax identification number is 53–0196965.

III. Electronic Federal Payment Methods

All entities receiving funds from FDA, including but not limited to vendors or other entities receiving reimbursements or refunds, must have a valid and active electronic payment method on file with the Agency, such as ACH Direct Deposit or other Treasury-authorized payment methods (FedWire or International ACH). Failure to provide this information may result in delays in payment or inability to receive funds.

Dated: June 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11920 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0351]

Agency Information Collection Activities; Proposed Collection; Comment Request; Tobacco Health Document Submission

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection associated with tobacco health document submissions.

DATES: Either electronic or written comments on the collection of information must be submitted by August 26, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 26, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–N–0351 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Tobacco Health Document Submission.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as

''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Tobacco Health Document Submission

OMB Control Number 0910–0654—Extension

This information collection supports FDA guidance. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors.

Section 904(a)(4) of the FD&C Act ((21 U.S.C. 387d(a)(4)) requires each tobacco product manufacturer or importer, or agent thereof, to submit all documents developed after June 22, 2009, ''that relate to health, toxicological, behavioral, or physiologic effects of current or future tobacco products, their constituents (including smoke constituents), ingredients, components, and additives'' (herein referred to as ''tobacco health documents'' or ''health documents'').

The guidance document ''Health Document Submission Requirements for Tobacco Products (Revised)'' (2023) (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/tobacco-health-document-submission*) requests tobacco health document submissions from manufacturers and importers of tobacco products based on statutory requirements and compliance dates.[1] As indicated in the guidance, all manufacturers and importers of tobacco products are now subject to the FD&C Act and are required to comply with section 904(a)(4), which requires immediate and ongoing submission of health documents developed after June 22, 2009 (the date of enactment of the Family Smoking Prevention and Tobacco Control Act (Pub. L. 111–31)). However, FDA generally does not intend to enforce the requirement at this time with respect to all such health documents, so long as a specified set of documents, those developed between June 23, 2009, and December 31, 2009, are provided at least 90 days prior to the delivery for introduction of tobacco products into interstate commerce. Thereafter, manufacturers should preserve all health documents, including those that relate to products for further manufacturing and those developed after December 31, 2009, for future submission to FDA. All Agency guidance documents are issued in accordance with our good guidance practice regulations in 21 CFR 10.115, which provide for public comment at any time.

FDA has been collecting the information submitted pursuant to section 904(a)(4) of the FD&C Act through a facilitative electronic form and through a paper form (Form FDA 3743) for those individuals who choose not to use the electronic method. You may access the electronic and paper forms on our website, at *https://www.fda.gov/tobacco-products/manufacturing/submit-documents-ctp-portal* and *https://www.fda.gov/media/78652/download,* respectively. In addition to the electronic and paper forms, FDA issued the guidance on this collection to assist persons making tobacco health document submissions. For further assistance, FDA has provided a technical guide, embedded hints, and a web tutorial on the electronic portal via *www.fda.gov/media/78631/download?attachment, https://www.fda.gov/tobacco-products/manufacturing/submit-documents-ctp-portal#what%20can,* and *https://www.fda.gov/industry/fda-esubmitter/using-esubmitter-prepare-tobacco-product-submissions.*

In this information collection, FDA is proposing to continue its compliance plan and request all manufacturers and importers of tobacco products, if not previously submitted, at least 90 days prior to the delivery for introduction into interstate commerce. Thereafter, manufacturers should preserve all health documents, including those that relate to products for further manufacturing and those developed after December 31, 2009, for future submission to FDA.

FDA estimates the burden of this collection of information as follows:

[1] FDA announced the availability of a guidance on this collection in the **Federal Register** on April 20, 2010 (75 FR 20606) [revised December 5, 2016 (81 FR 87565), August 10, 2017 (82 FR 37459), and March 20, 2023 (88 FR 16636)].

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Tobacco Health Document Submissions and Form FDA 3743	10	3.2	32	50	1,600

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA estimates that a tobacco health document submission as required by section 904(a)(4) of the FD&C Act, will take approximately 50 hours per submission based on FDA experience. We anticipate documents will be submitted annually for a total of 10 respondents. FDA estimates the total annual reporting burden to be 1,600 hours.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: June 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11955 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0123]

Agency Information Collection Activities; Proposed Collection; Comment Request; Substances Generally Recognized as Safe: Notifications and Convening Panels

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the collections of information associated with provisions of the notification procedure for substances generally recognized as safe (GRAS) and with recommended activities found in the guidance for convening a GRAS panel.

DATES: Either electronic or written comments on the collection of information must be submitted by August 26, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 26, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–N–0123 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Substances Generally Recognized as Safe: Notifications and Convening Panels.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the

electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Substances Generally Recognized as Safe: Notifications and Convening Panels—21 CFR 170, Subpart E and 21 CFR 570, Subpart E

OMB Control Number 0910–0342—Revision

The Federal Food, Drug, and Cosmetic Act (FD&C Act) requires that all food additives (as defined by section 201(s) (21 U.S.C. 321(s)) be approved by FDA before they are marketed. Section 409 of the FD&C Act (21 U.S.C. 348) establishes a premarket approval requirement for ''food additives.'' Section 201(s) of the FD&C Act provides an exclusion to the definition of food additive, and thus from the premarket approval requirement, for uses of substances that are GRAS by qualified experts. The GRAS provision of section 201(s) of the FD&C Act is implemented in 21 CFR part 170 (part 170) and 21 CFR part 570 (part 570) for human food and animal food, respectively. Part 170, subpart E and part 570, subpart E provide a standard format for the submission of a notice. This collection utilizes an administrative procedure for a proponent to notify FDA about a conclusion that a substance is GRAS under the conditions of its intended use in human food or animal food. The information submitted to us in a GRAS notice by a proponent is necessary to allow us to administer efficiently the various FD&C Act provisions that apply to the use of substances added to food, specifically with regard to whether a substance is GRAS under the conditions of its intended use or is a food additive subject to premarket review. We use the information collected through the GRAS notification procedures to complete our evaluation within specific timelines.

To support a GRAS conclusion, a proponent may convene a panel of qualified experts to provide evidence that generally available safety data and information about the intended use of the substance in food are generally accepted among experts, which is one of the criteria for eligibility for GRAS status (81 FR 54960 at 54975; August 17, 2016). FDA issued a guidance entitled ''Best Practices for Convening a Generally Recognized as Safe Panel'' (December, 2022) (*https://www.fda.gov/media/109006/download*) to assist persons who choose to convene a panel of experts in support of a conclusion that the use of a substance in food is GRAS. The guidance recommends specific content elements pertaining to recordkeeping and third-party disclosure. The guidance explains a recordkeeping recommendation for proponents to develop a written GRAS panel policy record describing how it will convene a panel. The proponent creates the written policy to fit its needs. The guidance discusses a third-party disclosure recommendation for prospective panel members to provide vetting information to proponents, to ascertain expertise, and reduce risk of bias. The guidance also explains a recordkeeping recommendation for proponents to document the application of the GRAS panel policy to each GRAS panel member as part of the vetting process. Respondents do not submit to FDA the recordkeeping or third-party disclosure information. The collections of information in the guidance are currently approved under OMB control number 0910–0911. Upon approval of the requested revision, we plan to discontinue OMB control number 0910–0911.

To assist respondents with submissions to the Human Foods Program, we offer Form FDA 3667 entitled ''Generally Recognized as Safe Notice'' (*https://www.fda.gov/media/85886/download*). The form, and elements prepared as attachments to the form, may be submitted in electronic format via the Centralized Online Submission Module (*https://www.fda.gov/food/registration-food-facilities-and-other-submissions/centralized-online-submission-module-cosm*), or may be submitted in paper format, or as electronic files on physical media with paper signature page. While we do not expect Form FDA 3667 to reduce reporting time for respondents, use of the form helps to expedite our review of the information being submitted. For submissions to the Center for Veterinary Medicine, respondents may continue to send GRAS notices in paper format, or as electronic files on physical media with paper signature page to the Agency, as instructed in the **Federal Register** of June 4, 2010 (75 FR 31800).

Description of Respondents: The respondents to this collection of information are manufacturers of substances used in human food and animal food and feed. Respondents also include persons (''proponents'') who are responsible for a conclusion that a substance may be used in food on the basis of the GRAS provision of the FD&C Act when such persons convene a GRAS panel to evaluate whether the available scientific data, information, and methods establish that the substance is safe under the conditions of its intended use in human food or animal food. Respondents would also include members and prospective members of GRAS panels. The term ''GRAS panel'' is defined as a panel of individuals convened for the purpose of

evaluating whether the available scientific data, information, and methods establish that a substance is safe under the conditions of its intended use in food.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity; 21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
GRAS notification procedure for human food; 170.210–170.280 (part 170, subpart E)	100	1	100	170	17,000
GRAS notification procedure for animal food and animal feed; 570.210–570.280 (part 570, subpart E)	12	1	12	170	2,040
Total			125		19,040

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

In row 2 of table 1, we are decreasing our estimate for the number of respondents submitting GRAS notices for animal food and animal feed from 25 to 12, which results in a decrease of 2,210 burden hours (4,250 hours minus 2,040 hours). This estimate is based on the number of submissions we received over the last 3 years.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity; guidance document section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Maintaining written GRAS panel policy; V. Recommendations	696	1	696	2	1,392
Application of written GRAS panel policy to GRAS panel members; V. Recommendations	94	6	564	16	9,024
Total			1,260		10,416

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Row 1 of table 2 reflects a decrease of the average burden per recordkeeping as compared to the corresponding estimate under OMB control number 0910–0911, which decreased from 40 hours to 2 hours per recordkeeping. When we issued the guidance for convening a GRAS panel, we estimated that a proponent would take 40 hours to create and establish a written GRAS panel policy. We presume that proponents will have now established their written GRAS panel policy and only needs to maintain it, which we estimate will take 2 hours for each proponent.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity; guidance document section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Potential GRAS panel members provide information to the proponents of GRAS conclusions; V. Recommendations	564	1	564	4	2,256

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We are revising the information collection to include related activities associated with the guidance for convening a GRAS panel, currently approved under OMB control number 0910–0911, ''Substances Generally Recognized as Safe: Best Practices for Convening a GRAS Panel.'' The revision will add 10,462 hours and 1,824 responses. This estimate is based on our experience with this information collection and the number of notifications received in the past 3 years.

Dated: June 24, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11960 Filed 6–26–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Notice of Purchased/Referred Care Delivery Area Re-Designation for the Chippewa Cree Tribe of the Rocky Boy's Reservation

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 Chippewa Cree Tribe of the Rocky Boy's Reservation (''Chippewa Cree Tribe'' or ''Tribe'') to include the Montana County of Cascade. The final PRCDA for the Chippewa Cree Tribe now includes the Montana counties of Cascade, Choteau, Hill and Liberty. The sole purpose of this expansion is to authorize additional Chippewa Cree 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 17, 2024 (89 FR 102150). 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 Cascade County in the State of Montana, the Chippewa Cree Tribe's PRC-eligible population will increase by an estimated 251 Tribal members.

2. As part of their expansion request, the Chippewa Cree Tribe submitted a resolution from the Tribe's governing body. The resolution explains that the expansion is intended to serve their members living in Cascade County, Montana, and it describes those members as being socially and economically tied to the Tribe's reservation. The IHS therefore finds that the Tribal members within the proposed, expanded PRCDA are socially and economically affiliated with the Chippewa Cree Tribe.

3. The expanded PRCDA county forms a contiguous area with the existing PRCDA. Members of the Chippewa Cree Tribe reside in the county proposed for inclusion in the expanded PRCDA. Through their expansion request, the Tribe described how close Cascade County, Montana is to their reservation and explained that it is close enough for their members residing there to return frequently to the Tribe's reservation for ceremony and participation in Tribal elections. For these reasons, the IHS has determined the additional county proposed for inclusion herein to be geographically proximate, meaning ''on or near,'' to the Tribe's reservation.

4. Through the Chippewa Cree Tribe's request to expand its PRCDA, the Tribe 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 from the IHS 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. 2025–11866 Filed 6–26–25; 8:45 am]

BILLING CODE 4166–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Notice of Purchased/Referred Care Delivery Area Redesignation for the Iowa Tribe of Kansas and Nebraska

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 Iowa Tribe of Kansas and Nebraska (Iowa Tribe or Tribe) to include the counties of Jackson in the State of Kansas, and Holt in the State of Missouri. The final PRCDA for the Iowa Tribe now includes the following counties: Brown, Doniphan, and Jackson in the State of Kansas; Holt in the State of Missouri; and Richardson in the State of Nebraska. The sole purpose of this expansion is to authorize additional Iowa 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) 443–0969 (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 11, 2024 (89 FR 99884). 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 Jackson County, Kansas, and Holt County, Missouri, the Iowa Tribe's PRC eligible population will increase by an estimated 77 Tribal members.

2. The Iowa Tribe communicated its governing body's determination that their members residing in the proposed expansion counties are socially and economically affiliated with the Tribe. The IHS therefore finds that the Tribe's members within the proposed, expanded PRCDA are socially and economically affiliated with the Iowa Tribe.

3. The expanded PRCDA counties form a contiguous area with the existing PRCDA. Holt County, Missouri, shares a common boundary with the Iowa Tribe's reservation lands in Richardson County, Nebraska. Jackson County, Kansas, is contiguous with Brown County, which includes part of the Iowa Tribe's reservation lands and is currently included in the Iowa Tribe's PRCDA. Members of the Iowa Tribe reside in each of the counties proposed for inclusion in the expanded PRCDA. For these reasons, the IHS has determined the additional counties proposed for inclusion herein to be geographically proximate, meaning ''on or near,'' to the Tribe's reservation.

4. The White Cloud Health Center 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. 2025–11889 Filed 6–26–25; 8:45 am]

BILLING CODE 4166–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Notice of Purchased/Referred Care Delivery Area Redesignation for the Sac and Fox Nation of Missouri in Kansas and Nebraska

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 Sac and Fox Nation of Missouri in Kansas and Nebraska (Sac and Fox Nation of Missouri or Tribe) to include the counties of Doniphan and Jackson in the State of Kansas, and Holt in the State of Missouri. The final PRCDA for the Sac and Fox Nation of Missouri now includes the following counties: Brown, Doniphan, and Jackson in the State of Kansas; Holt in the State of Missouri; and Richardson in the State of Nebraska. The sole purpose of this expansion is to authorize additional Sac and Fox Nation of Missouri 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) 443–0969 (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 11, 2024 (89 FR 99885). 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 Doniphan and Jackson Counties in Kansas, and Holt County, Missouri, the Sac and Fox Nation of Missouri's PRC eligible population will increase by an estimated seven Tribal members.

2. Through communication with the Tribe and information relayed by the White Cloud Health Center, the IHS understands that the Tribe's governing body has determined that its members residing in the proposed expansion counties are socially and economically affiliated with the Tribe. The IHS therefore finds that the Tribal members within the proposed, expanded PRCDA are socially and economically affiliated with the Sac and Fox Nation of Missouri.

3. The expanded PRCDA counties form a contiguous area with the existing PRCDA, and members of the Sac and Fox Nation of Missouri reside in each of the counties proposed for inclusion in the expanded PRCDA. Jackson County, Kansas, and Doniphan County, Kansas, both share a common boundary with Brown County, Kansas, where the Sac and Fox Nation of Missouri has reservation lands. Holt County, Missouri, shares a common boundary with Richardson County, Nebraska, where the Sac and Fox Nation of Missouri has reservation lands. For these reasons, the IHS has determined the additional counties proposed for inclusion herein to be geographically proximate, meaning ''on or near,'' to the Tribe's reservation.

4. The White Cloud Health Center 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. 2025–11868 Filed 6–26–25; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

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

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships Panel 1: Neurodevelopment, Oxidative Stress and Synaptic Plasticity.

Date: July 28–29, 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: Baila Sara Hall, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, (301) 443–9285, *baila.hall@nih.gov*.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurobiology of Motivated Behavior Study Section.

Date: July 28–29, 2025.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jennifer C. Schiltz, Ph.D., Scientific Review Officer, Scientific Revie Branch, Division of Extramural Activities, National Eye Institute, Bethesda, MD 20817, 301–496–4103, *jennifer.schiltz@nih.gov*.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Kidney Endocrine and Digestive Disorders Study Section.

Date: July 28–29, 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: Jingsheng Tuo, Ph.D., Scientific Review Officer, National Institute on Minority Health and Health Disparities, National Institutes of Health, 7201 Wisconsin Ave., Ste. 533, Bethesda, MD 20892, (301) 451–5953, *jingsheng.tuo@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Development of Medical Countermeasures for Biodefense and Emerging Infectious Diseases, Research Area 001–Topic B: Vaccines for AMR Bacterial Pathogens.

Date: July 28, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Yong Gao, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3G13B, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9834, Rockville, MD 20892–9834, (240) 669–5048, *yong.gao@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neuroscience of Interoception and Chemosensation.

Date: July 28, 2025.

Time: 11:00 a.m. to 3:00 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: Myongsoo Matthew Oh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1011F, Bethesda, MD 20892, (301) 451–7968, *ohmm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; NHLBI SBIR Topic 111 Contract Review.

Date: July 28, 2025.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Nawazish Ali Naqvi, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208–Y, Bethesda, MD 20892–7924, (301) 827–7911, *nawazish.naqvi@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Clinical and Translational Exploratory/Developmental Studies.

Date: July 29–30, 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: Caterina Bianco, MD, Ph.D., Chief, Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities ,National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W110, Bethesda, MD 20892–9750, (240) 276–6459, *biancoc@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Emphasis Panel: Neuroimaging, Biomarkers, and Therapy.

Date: July 29, 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: Shilpakala Ketha, Scientific Review Officer, NIAID Scientific Review Program, BG 5601 Fishers Lane, Rm. 3F52A, MSC 9834, Rockville, MD 20892, (301) 761–6821, *shilpa.ketha@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics in Bioengineering and Instrumentation.

Date: July 29–30, 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: Mirela Milescu, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892, *mirela.milescu@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Auditory, Visual and Cognitive Neurosciences and Career Development Training Grant Applications.

Date: July 29, 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: Jingshan Chen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NIDCR, Bethesda, MD 20892, (301) 451–2405, *jingshan.chen@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.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–11973 Filed 6–26–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Request for Comments: Division of Cancer Prevention Intellectual Property Option to Collaborators

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an Institute of the National Institutes of Health, Department of Health and Human Services, Division of Cancer Prevention (DCP) is seeking comments on instituting a standard policy on Intellectual Property (IP) developed by certain funding recipients under NCI DCP funding agreements. This standard policy is entitled ''The DIVISION OF CANCER PREVENTION INTELLECTUAL PROPERTY OPTION TO COLLABORATORS (IP Option).'' The proposed policy, if finalized, shall apply to entities that conduct DCP-funded clinical studies under funding agreements which involve an NCI collaborator that provides its proprietary agent or technology for the DCP-supported studies where this IP Option is included as a term of applicable existing and future funding agreements.

DATES: Only written comments which are received by the National Cancer Institute's Technology Transfer Center on or before July 28, 2025 will be considered.

ADDRESSES: NCI welcomes public comment on the full text of the DCP IP option, as set forth below. Comments should be addressed to: Sidra Ahsan, Ph.D., Patent Agent, Senior Technology Transfer Manager, NCI Technology Transfer Center, Telephone: (240) 276–6468; Email: *sidra.ahsan@nih.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The NCI's DCP is a division of NCI that supports cancer prevention and early detection research by providing funding and support to clinical and laboratory researchers, community and multidisciplinary teams, and collaborative scientific networks. DCP supports clinical research under funding agreements to funding recipients which conduct the clinical studies. DCP obtains Agents and Technologies from pharmaceutical, biotechnology and nutraceutical companies (hereinafter ''Collaborators'') under technology transfer agreements and provides these Agents or Technologies to funding recipients that conduct the clinical research. In exchange for providing their proprietary Agents or Technologies under technology transfer agreements with NCI, Collaborators will often require that the funding recipients conducting the clinical research agree to certain conditions regarding the Agents and Technologies. These conditions include granting options to IP rights arising from the clinical studies using the Collaborator's Agent or Technology.

Currently, there is no standard IP option in the DCP funding agreements that covers the Collaborator's Agent or Technology when used in the multitude of studies supported by DCP. These research studies may involve pharmaceutical agents, nutraceuticals, or diagnostic assays for timely prevention and early detection of cancers, and these materials are often obtained by NCI from Collaborators. The lack of clarity regarding IP rights language across the multi-disciplinary clinical programs of DCP that utilize a Collaborator's Agent or Technology has

become an impediment in NCI DCP's ability to obtain Collaborators' proprietary Agents or Technologies for use in DCP-supported clinical trials. This has led to uncertainty and delays in initiating important clinical studies for the prevention and early detection of cancer. It is imperative for DCP's programs and networks to institute a uniform IP option that covers the many different types of clinical studies using a Collaborator's Agent or Technology. The ''Division of Cancer Prevention Intellectual Property Option to Collaborators'' is intended to cover the clinical programs and networks of DCP that utilize Collaborator's Agents or Technologies used in DCP-supported clinical trials and that are obtained from Collaborators under technology transfer agreements with DCP. It is also intended to offer appropriate incentives and assurances for both Collaborators and funding recipients to participate in DCP-funded clinical studies.

II. Division of Cancer Prevention Intellectual Property Option to Collaborators

NCI DCP obtains Agents and Technologies from Collaborators under technology transfer agreements, for use in NCI DCP-funded research conducted at Institutions, under funding agreements. As part of the arrangement with Collaborators to use their Agents or Technologies and to make the collaborative research possible, NCI DCP would agree not to provide Agents or Technologies to Institutions unless the Institutions agree to the Division of Cancer Prevention Intellectual Property Option and Institution Notification described below. This IP Option shall be included as a term of applicable existing and future funding agreements.

Definitions:

1. ''Affiliate'' means any corporation or other business entity controlled by, controlling, or under common control with the Collaborator. For this purpose, ''control'' means direct or indirect beneficial ownership of at least fifty percent (50%) of the voting stock or at least fifty percent (50%) interest in the income of the corporation or other business entity.

2. ''Agent'' or ''Technology'' is Collaborator's property and defined in the technology transfer agreement between NCI DCP and Collaborator.

3. ''Collaborator'' means a biotechnology, pharmaceutical, or nutraceutical company that provides a proprietary Agent or Technology for use in the NCI DCP-supported Study.

4. ''Institution'' means an NCI DCP funding recipient that utilizes a Collaborator's Agent or Technology under the scope of a funding agreement.

5. ''Invention'' means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code, or any novel variety of plant which is or may be protectable under the Plant Variety Protection Act (7 U.S.C. 2321 *et seq.*).

6. ''Study'' means DCP-supported clinical and associated non-clinical studies conducted by the Institution under the scope of a funding agreement with NCI DCP.

7. ''Subject Invention'' means an Invention that is conceived or first actually reduced to practice in the performance of the Study conducted by the Institution using Collaborator's Agent or Technology.

A. The IP Option described in this Section A applies to Subject Inventions that claim the use and/or composition of the Collaborator's Agent or Technology in patent disclosures (''Section A Subject Inventions''). Collaborator's Agent or Technology will be provided to the Institution by NCI DCP, as applicable:

Institution agrees to grant to Collaborator(s): (i) a royalty-free, worldwide, non-exclusive license for commercial purposes with the right to sublicense to Affiliates or collaborators working on behalf of Collaborator for Collaborator's development purposes; and (ii) a time-limited first option to negotiate an exclusive, or co-exclusive, if applicable, world-wide, royalty-bearing license for commercial purposes, including the right to grant sublicenses, subject to any rights of the Government of the United States of America, on terms to be negotiated in good faith by the Collaborator(s) and Institution. If Collaborator accepts the royalty-free, worldwide, non-exclusive commercial license, the Collaborator agrees to pay all out-of-pocket patent prosecution and maintenance costs which will be pro-rated and divided equally among all licensees. If Collaborator obtains an exclusive commercial license, in addition to any other agreed upon licensing arrangements such as royalties and due diligence requirements, the Collaborator agrees to pay all out-of-pocket patent prosecution and maintenance costs. Collaborator will notify Institution, in writing, if it is interested in obtaining a commercial license to any Section A Subject Invention within three (3) months of Collaborator's receipt of a patent application or six (6) months of receipt of an Invention report notification of such a Section A Subject Invention; the timing is based on whichever event comes first. In the event that Collaborator fails to notify Institution, or elects not to obtain an exclusive license, then Collaborator's option expires with respect to that Section A Subject Invention, and Institution will be free to dispose of its interests in accordance with its policies. If Institution and Collaborator fail to reach agreement within ninety (90) days, (or such additional period as Collaborator and Institution may agree) on the terms for an exclusive license for a particular Section A Subject Invention, then for a period of three (3) months thereafter Institution agrees not to offer to license the Section A Subject Invention to any third party on materially better terms than those last offered to Collaborator without first offering such terms to Collaborator, in which case Collaborator will have a period of thirty (30) days in which to accept or reject the offer. If Collaborator elects to negotiate an exclusive commercial license to a Section A Subject Invention, then Institution agrees to file and prosecute patent application(s) diligently and in a timely manner and to give Collaborator an opportunity to comment on the preparation and filing of any such patent application(s). Notwithstanding the above, Institution is under no obligation to file or maintain patent prosecution for any Section A Subject Invention.

For all Section A Subject Inventions, regardless of Collaborator's decision to seek a commercial license, Institution agrees to grant Collaborator a paid-up, nonexclusive, royalty-free, world-wide license for research purposes only. Institution retains the right to make and use any Section A Subject Invention for all non-profit research, including for educational purposes and to permit other educational and non-profit institutions to do so.

B. The IP Option described in this Section B applies to Subject Inventions not covered by Section A, but are nevertheless conceived or first actually reduced to practice by the Institution during the conduct of the Study. It also applies to Inventions that are conceived or first actually reduced to practice pursuant to NCI DCP-funded studies that use non-publicly available clinical data or specimens from patients treated with Collaborator's Agent or Technology (including specimens obtained from NCI DCP-funded tissue banks) (''Section B Subject Inventions''):

Institution agrees to grant to Collaborator a paid-up nonexclusive, nontransferable, royalty-free, world-wide license to all Section B Subject Inventions for research purposes only.

Institution retains the right to make and use any Section B Subject Invention for all non-profit research, including for educational purposes and to permit other educational and non-profit institutions to do so. Notwithstanding the above, Institution is under no obligation to file or maintain patent prosecution for any Section B Subject Invention.

Institution Notification

Institution agrees to promptly and confidentially notify NCI DCP (*ncidcppio2@mail.nih.gov*) and Collaborator(s) in writing of any Inventions upon the earlier of: (i) any submission of any Invention disclosure to Institution of an Invention, or (ii) the filing of any patent applications on an Invention. Institution agrees to provide a copy of either the Invention disclosure or the patent application to the Collaborator and to NCI DCP which will treat it in accordance with 37 CFR part 401. These requirements do not replace any applicable reporting requirements under the Bayh-Dole Act, 35 U.S.C. 200–212, and implementing regulations at 37 CFR part 401.

Dated: June 24, 2025.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2025–11858 Filed 6–26–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory General Medical Sciences Council.

The meeting will be held as a virtual meeting and open to the public, as indicated below. Individuals who plan to view the virtual meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should submit a request using the following link: *https://www.nigms.nih.gov/Pages/ContactUs.aspx* at least 5 days prior to the event. The open session will also be videocast, closed captioned, and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov*).

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

Name of Committee: National Advisory General Medical Sciences Council.

Date: September 11, 2025.

Open: 9:30 a.m. to 12:30 p.m.

Agenda: For the discussion of programs; opening remarks; report of the Director, NIGMS; and other business of the Council.

Closed: 1:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Meeting Format: Virtual Meeting.

Address: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Ariel Zane, Ph.D., Acting Director, Division of Extramural Activities, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 2AN24C, Bethesda, MD 20892, 301–594–3584, *ariel.zane@nih.gov.*

Members of the public are welcome to provide written comments by emailing *NIGMS_DEA_Mailbox@nigms.nih.gov* at least 3 days in advance of the meeting. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.nigms.nih.gov/about/council/Pages/default,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: June 25, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–11974 Filed 6–26–25; 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–OD–25–003: Short Courses on Innovative Methodologies and Approaches in the Behavioral and Social Sciences (R25).

Date: July 24, 2025.

Time: 10:00 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: Anna Ghambaryan, Ph.D., MD, MA, Scientific Review Officer, Extramural Project Review Branch Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2120, MSC 6902, Bethesda, MD 20892, (301) 443–4032, *anna.ghambaryan@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Integrative Vascular Biology and Hematology.

Date: July 25, 2025.

Time: 8:00 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: Dmitri V. Gnatenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867–5309 *gnatenkod2@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Interdisciplinary Clinical Care.

Date: July 25, 2025.

Time: 9:00 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: Sonia Elena Nanescu, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Boulevard, Suite 8300, Bethesda, MD 20892, (301) 496–8693, *sonia.nanescu@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Drug discovery and therapeutic approaches for nervous system disorders.

Date: July 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: Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9606, Bethesda, MD 20892–9606, 301–443–4525, *steinerr@mail.nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mental Health Services Research.

Date: July 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: Karin Eyrich Garg, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20892, (301) 594–2988, *karin.garg@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, RM–24–013: Complement-ARIE New Approach Methodologies (NAMs) Data Hub and coordinating Center (U24).

Date: July 25, 2025.

Time: 9:00 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: Raj K Krishnaraju, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6190, MSC 7804, Bethesda, MD 20892, (301) 435–1047, *kkrishna@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Biology and Development of the Eye.

Date: July 25, 2025.

Time: 1:00 p.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: Jessica Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–3717, *jessica.smith6@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–24–306: Research Projects to Enhance Applicability of Mammalian Models for Translational Research.

Date: July 28, 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: Lambratu Rahman Sesay, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–905–8294, *rahman-sesay@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, NIH Pathway to Independence Award (K99/R00).

Date: July 28–29, 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: Konrad Jerzy Krzewski, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Room 3G53, Rockville, MD 20852, (240) 747–7526, *konrad.krzewski@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; NIH Pathway to Independence Award.

Date: July 28, 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: 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.*

(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.

Sterlyn H Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–11972 Filed 6–26–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2024–0731]

Certificates of Alternative Compliance for the Eighth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notification of issuance of certificates of alternative compliance.

SUMMARY: The Coast Guard announces that the Eighth Coast Guard District's Prevention Division has issued certificates of alternative compliance from the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to vessels of special construction or purpose that cannot fully comply with the light, shape, and sound signal provisions of 72 COLREGS without interfering with the vessel's design and construction. We are issuing this notice because its publication is required by statute. This notification of issuance of certificates of alternative compliance promotes the Coast Guard's marine safety mission.

DATES: These Certificates of Alternative Compliance were issued between January 2024 and July 2024.

FOR FURTHER INFORMATION CONTACT: For information or questions about this notice call or email Lieutenant Jenifer Abiona, District Eight, Prevention Division, U.S. Coast Guard, telephone 206–827–2691, email *Jenifer.V.Abiona@uscg.mil.*

SUPPLEMENTARY INFORMATION: The United States is signatory to the International Maritime Organization's International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as amended. The special construction or purpose of some vessels makes them unable to comply with the light, shape, or sound signal provisions of the 72 COLREGS. Under statutory law, however, specified 72 COLREGS provisions are not applicable to a vessel of special construction or purpose if the Coast Guard determines that the vessel cannot comply fully with those requirements without interfering with the special function of the vessel.[1]

The owner, builder, operator, or agent of a special construction or purpose vessel may apply to the Coast Guard District Office in which the vessel is being built or operated for a determination that compliance with alternative requirements is justified,[2] and the Chief of the Prevention Division would then issue the applicant a certificate of alternative compliance (COAC) if he or she determines that the vessel cannot comply fully with 72 COLREGS light, shape, and sound signal provisions without interference with the vessel's special function.[3] If the Coast Guard issues a COAC, it must publish notice of this action in the **Federal Register**.[4]

[1] 33 U.S.C. 1605.

[2] 33 CFR 81.5.

[3] 33 CFR 81.9.

[4] 33 U.S.C. 1605(c) and 33 CFR 81.18.

The Eighth Coast Guard District has issued COACs to the following vessels from January 2024 to July 2024:

Year	Vessel name	Details
2024	MAY LOUISE	This certificate authorized the placement of the vessel's masthead light 22′–7⅛″ above the main deck when the mast is in the lowered position; sidelights on the elevated pilot house 10′–1″ outboard from the centerline of the vessel; Restricted in Ability to Maneuver and Not Under Command lights 1′–6″ off centerline starting 25′–5⅛″ above the hull and vertically spaced 6′–7″; and stern lights—based on dual direction operational towing vessel: on the aft portion of the pilot house at a height no less than nor exceeding 22′–7⅛″ for ahead operations (*e.g.,* pushing, hauling alongside, and pulling); and on the main mast at a height no less than nor exceeding 27′–9⅝″ for astern direction for astern operations (*e.g.,* towing).
2024	VOYAGER	This certificate authorized the placement of the vessel's after masthead light on the main mast, 20′–11½″ aft and 27′–3⅛″ above the forward masthead light; sidelights on the pilot house 21′–6″ outboard from the centerline of the vessel; Restricted in Ability to Maneuver and Not Under Command lights 1′–4¼″ off centerline starting 52′–6¾″ above the hull and vertically spaced 7′–10″ and 6′–7″; and the stern light on the starboard bulwark at a height no less than nor exceeding and 4′–2″ as measured from the main deck.
2024	SP DIAMOND	This certificate authorized the placement of the vessel's sidelights on the elevated pilothouse, positioned 22′–3$^{3}/_{16}$″ above the main deck, 16′–5$^{11}/_{16}$″ inboard from the side of the vessel, and 3′–8$^{3}/_{16}$″ forward of the forward masthead light; stern light centered on the aft side of the pilot house, 1′–4$^{1}/_{16}$″ forward of amidships and 40′–5¼″ above the main deck; and Restricted in Ability to Maneuver (RAM) and Not Under Command (NUC) Lights 3′–3⅜″ outboard from centerline starting at a height of 34′–9$^{13}/_{16}$″ above the main deck with vertical spacing between the RAM/NUC lights being 7′–2⅝″.
2024	SP RUBY	This certificate authorized the placement of the vessel's sidelights on the elevated pilothouse, positioned 22′–3$^{3}/_{16}$″ above the main deck, 16′–5$^{11}/_{16}$″ inboard from the side of the vessel, and 3′–8$^{3}/_{16}$″ forward of the forward masthead light; stern light centered on the aft side of the pilot house, 1′–4$^{1}/_{16}$″ forward of amidships and 40′–5¼″ above the main deck; and Restricted in Ability to Maneuver (RAM) and Not Under Command (NUC) Lights 3′–3⅜″ outboard from centerline starting at a height of 34′–9$^{13}/_{16}$″ above the main deck with vertical spacing between the RAM/NUC lights being 7′–2⅝″.
2024	TAANI	This certificate authorized the placement of the vessel's forward masthead light and second/aft masthead light separated by a horizontal distance of no less than 86′–3⅛″; and the stern light on the furthest aft portion of the main structure (03 Level) clear of the aft equipment and work deck area at a height no less than nor exceeding 27′–3¾″ as measured from the main deck.
2024	NARRAGANSETT DAWN	This certificate authorized the placement of the vessel's forward masthead light and second/aft masthead light separated by a horizontal distance of no less than 86′–3⅛″; and the stern light on the furthest aft portion of the main structure (03 Level) clear of the aft equipment and work deck area at a height no less than nor exceeding 27′–3¾″ as measured from the main deck.
2024	GILBERT R MASON	This certificate authorized the placement of the vessel's forward masthead light and second/aft masthead light separated by a horizontal distance of no less than 86′–3⅛″; and the stern light on the furthest aft portion of the main structure (03 Level) clear of the aft equipment and work deck area at a height no less than nor exceeding 27′–3¾″ as measured from the main deck.
2024	ECO EDISON	This certificate authorized the placement of the vessel's forward masthead light on the elevated pilothouse, centerline, positioned 76′–3$^{9}/_{16}$″ aft of the vessels bow, 95′–3⅝″ above the main deck; and aft masthead light positioned centerline, placed 71′–7$^{13}/_{16}$″ aft of the forward masthead light, and 46′–3$^{5}/_{16}$″ above the forward masthead light.
2024	PATRICIA B. MORAN	This certificate authorized the placement of the vessel's sidelights on the elevated pilothouse, positioned 12′ from the side of the vessel, and 19′–6$^{13}/_{16}$″ above the main deck; Stern light aft side of the elevated pilothouse, 1′–4″ starboard of centerline and 20′–10⅛″ above the main deck; masthead light centerline on the elevated pilothouse, 39′ above the main deck when upright, and 25′–10⅜″ above the main deck when mast is in the lowered position during ship assist work in order to prevent damage when working in close proximity to a ship's bow/stern flare; and restricted in ability to maneuver (RAM) and not under command (NUC) lights rather placing these lights on the centerline in a vertical line with the masthead lights, they may be placed 1′–3″ forward of the masthead lights starting at a height of 27′–6$^{1}/_{16}$″ above the main deck with vertical spacing between the RAM/NUC lights being 3′–3⅜″.
2024	FRED	This certificate authorized the placement of the vessel's sidelights on the elevated pilothouse, 22′–3$^{3}/_{16}$″ above the main deck, 16′–5$^{11}/_{16}$″ inboard from the sides of the vessel, and 3′–8$^{3}/_{16}$″ forward of the forward masthead light; stern light centered on the aft of the pilot house, 1′–4$^{1}/_{16}$″ forward of amidships, and 40′–5¼″ above the main deck; and restricted in ability to maneuver (RAM) and not under command (NUC) lights—rather than placing these lights on the centerline in a vertical line with the masthead lights, they may be placed 3′–3⅜″ outboard from the centerline, starting at a height of 34′–9$^{13}/_{16}$″ above the main deck with vertical spacing between the RAM/NUC lights being 7′–2⅝″.

Year	Vessel name	Details
2024	JOSEPHINE	This certificate authorized the placement of the vessel's sidelights on the elevated pilothouse, 22′–3 3/16″ above the main deck, 16′–5 11/16″ inboard from the sides of the vessel, and 3′–8 3/16″ forward of the forward masthead light; stern light centered on the aft of the pilot house, 1′–4 1/16″ forward of amidships, and 40′–5 1/4″ above the main deck; and restricted in ability to maneuver (RAM) and not under command (NUC) lights rather than placing these lights on the centerline in a vertical line with the masthead lights, they may be placed 3′–3 3/8″ outboard from the centerline, starting at a height of 34′–9 13/16″ above the main deck with vertical spacing between the RAM/NUC lights being 7′–2 5/8″.
2024	MOOSE	This certificate authorized the placement of the vessel's sidelights on the elevated pilothouse, 22′–3 3/16″ above the main deck, 16′–5 11/16″ inboard from the sides of the vessel, and 3′–8 3/16″ forward of the forward masthead light; stern light centered on the aft of the pilot house, 1′–4 1/16″ forward of amidships, and 40′–5 1/4″ above the main deck; and restricted in ability to maneuver (RAM) and not under command (NUC) lights rather than placing these lights on the centerline in a vertical line with the masthead lights, they may be placed 3′–3 3/8″ outboard from the centerline, starting at a height of 34′–9 13/16″ above the main deck with vertical spacing between the RAM/NUC lights being 7′–2 5/8″.
2024	BEAR	This certificate authorized the placement of the vessel's sidelights on the elevated pilothouse, 22′–3 3/16″ above the main deck, 16′–5 11/16″ inboard from the sides of the vessel, and 3′–8 3/16″ forward of the forward masthead light; stern light centered on the aft of the pilot house, 1′–4 1/16″ forward of amidships, and 40′–5 1/4″ above the main deck; and restricted in ability to maneuver (RAM) and not under command (NUC) lights rather than placing these lights on the centerline in a vertical line with the masthead lights, they may be placed 3′–3 3/8″ outboard from the centerline, starting at a height of 34′–9 13/16″ above the main deck with vertical spacing between the RAM/NUC lights being 7′–2 5/8″.
2024	OCEANOGRAPHER	This certificate authorized placement of the vessels masthead light on the main mast, 102′–7.25″ aft and 43′–9.75″ above the forward masthead light; stern light on the furthest aft location being the port side exhaust stack at a height of 39′–3.75″ from the main deck; and restricted in ability to maneuver (RAM) and not under command (NUC) lights, rather than placing these lights on the centerline in a vertical line with the masthead lights, they may be placed 2′–1″ off centerline starting 67′–10.5″ above the main deck and vertically spaced at 6′–6.75″.
2024	DISCOVERER	This certificate authorized placement of the vessels after masthead light on the main mast, 102′–7.25″ aft and 43′–9.75″ above the forward masthead light; sternlight on the furthest aft location being the port side exhaust stack at a height of 39′–3.75″ from the main deck; and restricted in ability to maneuver (RAM) and not under command (NUC) lights—rather than placing these lights on the centerline in a vertical line with the masthead lights, they may be placed 2′–1″ off centerline starting 67′–10.5″ above the main deck and vertically spaced at 6′–6.75″.

The Chief of Prevention Division of the Eighth Coast Guard District, U.S. Coast Guard, certifies that the vessels listed above are of special construction or purpose and are unable to comply fully with the requirements of the provisions enumerated in the 72 COLREGS, without interfering with the normal operation, construction, or design of the vessels. The Chief of Prevention Division further finds and certifies that the listed vessels are in the closest possible compliance with the applicable provisions of the 72 COLREGS.[5]

This notice is issued under authority of 33 U.S.C. 1605(c) and 33 CFR 81.18.

Dated: June 16, 2025.

J.E. Fothergill,

Commander, U.S. Coast Guard, Chief of Prevention, Acting, By direction of the Commander, Eighth Coast Guard District.

[FR Doc. 2025–11918 Filed 6–26–25; 8:45 am]

BILLING CODE 9110–04–P

[5] 33 U.S.C. 1605(a); 33 CFR 81.9.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2025–0091]

Certificates of Alternative Compliance for the Eighth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notification of issuance of certificates of alternative compliance.

SUMMARY: The Coast Guard announces that the Eighth Coast Guard District's Prevention Division has issued certificates of alternative compliance from the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to vessels of special construction or purpose that cannot fully comply with the light, shape, and sound signal provisions of 72 COLREGS without interfering with the vessel's design and construction. We are issuing this notice because its publication is required by statute. This notification of issuance of certificates of alternative compliance promotes the Coast Guard's marine safety mission.

DATES: These Certificates of Alternative Compliance were issued between August 2024 and December 2024.

FOR FURTHER INFORMATION CONTACT: For information or questions about this notice call or email Lieutenant Jenifer Abiona, District Eight, Prevention Division, U.S. Coast Guard, telephone 206–827–2691, email *Jenifer.V.Abiona@uscg.mil.*

SUPPLEMENTARY INFORMATION: The United States is signatory to the International Maritime Organization's International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as amended. The special construction or purpose of some vessels makes them unable to comply with the light, shape, or sound signal provisions of the 72 COLREGS. Under statutory law, however, specified 72 COLREGS provisions are not applicable to a vessel of special construction or purpose if the Coast Guard determines that the vessel cannot comply fully with those requirements without interfering with the special function of the vessel.[1]

[1] 33 U.S.C. 1605.

The owner, builder, operator, or agent of a special construction or purpose vessel may apply to the Coast Guard District Office in which the vessel is being built or operated for a determination that compliance with alternative requirements is justified,[2] and the Chief of the Prevention Division would then issue the applicant a certificate of alternative compliance (COAC) if he or she determines that the vessel cannot comply fully with 72 COLREGS light, shape, and sound signal provisions without interference with the vessel's special function.[3] If the Coast Guard issues a COAC, it must publish notice of this action in the **Federal Register**.[4]

The Eighth Coast Guard District has issued COACs to the following vessels from August 2024 to December 2024:

Year	Vessel name	Details
2024	LEN O'CONNOR	This certificate authorized the placement of the vessel's sidelights on the elevated pilothouse roof, 34′–9″ above the main deck, 7′–½″ inboard from the sides of the vessel, and 4′–⅝″ aft of the forward masthead light.
2024	HOS RUGER	This certificate authorized the placement of the vessel's aft masthead light positioned on the main mast above the pilothouse at a distance of 21′–9 11/16″ aft of the forward masthead light and 67′–10 1/16″ above the main deck; and sternlight positioned centerline on the aft end of the pilot at a distance of 36′–10⅛″ above the main deck and 17′–2 7/16″ aft of the aft masthead light.
2024	HOS BENELLI	This certificate authorized the placement of the vessel's aft masthead light positioned on the main mast above the pilothouse at a distance of 21′–9 11/16″ aft of the forward masthead light and 67′–10 1/16″ above the main deck; and sternlight positioned centerline on the aft end of the pilot at a distance of 36′–10⅛″ above the main deck and 17′–2 7/16″ aft of the aft masthead light.
2024	USNS ROBERT BALLARD	This certificate authorized the placement of the vessel's sternlight positioned centerline on the elevated pilothouse at a distance of 21′ above the main deck; and aft masthead light positioned centerline at a distance of 156′–9″ aft of the Forward Masthead Light and 69′–5″ above the main deck.
2024	MARY JANE MORAN	This certificate authorized the placement of the vessel's sidelights on the elevated pilothouse, positioned 12′ from the side of the vessel, and 19′–6 13/16″ above the main deck; stern light aft side of the elevated pilothouse, 1′–4″ starboard of centerline and 20′–10⅛″ above the main deck; masthead light centerline on the elevated pilothouse, 39′ above the main deck when upright, and 25′–10⅜″ above the main deck when mast is in the lowered position during ship assist work in order to prevent damage when working in close proximity to a ship's bow/stern flare; restricted in ability to maneuver (RAM) and not under command (NUC) lights placed 1′–3″ forward of the masthead lights starting at a height of 27′–6 1/16″ above the main deck with vertical spacing between the RAM/NUC lights being 3′–3⅜″.
2024	HOS RUNNING BUCK	This certificate authorized the placement of the vessel's aft masthead light positioned on the main mast above the pilothouse at a distance of 21′–5¼″ aft of the forward masthead light and at a vertical distance of 37′–1⅛″ from the forward masthead light; and sternlight positioned centerline on the aft edge of the fo'c'sle deck at a distance of 12′–9″ above the main deck and 176′–6″ forward of the vessel's stern.
2024	ARTEMIS	This certificate authorized placement of the vessel's masthead light positioned centered on the elevated pilot house, 22′–7⅛″ above the main deck when the mast is in the lowered position; and 39′–4⅝″ above the main deck; sidelights on the elevated pilot house, 10′–1″ outboard from the centerline of the vessel, and 12′–5⅝″ above the main deck; and stern light based on the dual direction operational towing vessel: ahead direction—stern light centered on the pilot house at a height of 22′–7⅛″ for pushing ahead operations (*e.g.,* pushing, hauling alongside, and pulling); and astern direction—stern light placed on the main mast at a height of 27′–9⅝″ for astern operations (*e.g.,* towing).
2024	BAHIA GULF	This certificate authorized placement of the vessel's masthead light positioned on the mast above the pilot house at a height of 39′–4⅝″ above the hull and when the mast is in the lowered position, a height of 22′–7⅛″ above the hull; sidelights positioned near the pilot house at a height of 12′–5⅝″ above the hull and 10′–1″ outboard from the centerline of the vessel; sternlight based on the towing vessel being dual direction operation: ahead direction—Sternlight centered on the pilot house at a height of 22′–7⅛″ for pushing ahead operations (*e.g.,* pushing, hauling alongside, and pulling); and astern direction—Sternlight placed on the mast at a height of 27′–9⅝″ for astern operations (*e.g.,* towing); and Restricted in Ability to Maneuver (RAM) and Not Under Command (NUC) lights placed 1′–6″ off centerline starting at 25′–5⅛″ above the hull and vertically spaced at 6′–7″.

The Chief of Prevention Division of the Eighth Coast Guard District, U.S. Coast Guard, certifies that the vessels listed above are of special construction or purpose and are unable to comply fully with the requirements of the provisions enumerated in the 72 COLREGS, without interfering with the normal operation, construction, or design of the vessels. The Chief of Prevention Division, further finds and certifies that the listed vessels are in the closest possible compliance with the applicable provisions of the 72 COLREGS.[5]

This notice is issued under authority of 33 U.S.C. 1605(c) and 33 CFR 81.18.

Dated: June 16, 2025.

J.E. Fothergill,

Commander, U.S. Coast Guard, Chief of Prevention, Acting, By direction of the Commander, Eighth Coast Guard District.

[FR Doc. 2025–11914 Filed 6–26–25; 8:45 am]

BILLING CODE 9110–04–P

[2] 33 CFR 81.5.

[3] 33 CFR 81.9.

[4] 33 U.S.C. 1605(c) and 33 CFR 81.18.

[5] 33 U.S.C. 1605(a); 33 CFR 81.9.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[A2407–014–004–065516; #O2412–014–004–047181.1; LLHQ210000]

Notice of Adoption of Categorical Exclusions Under Section 109 of the National Environmental Policy Act

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior (Department) is notifying the public and documenting the adoption of nine U.S. Forest Service (USFS), one U.S. Geological Survey (USGS), one Bureau of Reclamation (BOR) and four Tennessee Valley Authority (TVA) categorical exclusions (CXs) by the Bureau of Land Management (BLM), under section 109 of the National Environmental Policy Act (NEPA), for recreation, restoration, road management, rangeland management, access for hydrologic and geologic exploration, transmission infrastructure, and reburial of human remains and funerary objects under the Native American Graves Protection and Repatriation Act. In accordance with section 109, this notice identifies the types of actions for which the BLM will rely on the CXs, the considerations that the BLM will use in determining the applicability of the CXs and the consultation between the agencies on the use of the CXs, including application of extraordinary circumstances.

DATES: The adoption is effective June 27, 2025.

FOR FURTHER INFORMATION CONTACT: Amelia Savage, Senior Planning and Environmental Analyst, Division of Support, Planning and NEPA, *alsavage@blm.gov,* telephone (480) 307–8665.

SUPPLEMENTARY INFORMATION:

Background

Programs Background

1. Recreation

The BLM's Recreation Program supports and delivers a wide variety of recreational experiences including, but not limited to, camping, hunting, fishing, hiking, horseback riding, off-highway vehicle driving, mountain biking, bird watching, and various winter sports. The program manages over 4,000 recreation sites and associated facilities, in addition to over 400 fee sites with standard and expanded amenities. An estimated 82 million visitors enjoy outdoor recreation on the BLM-managed public lands every year. The Recreation Program also supports the BLM's Travel and Transportation Management Program, which includes trails, roads, primitive roads, and associated parking lots and trail heads. The BLM's Recreation Program is similar to those managed by the USFS and the TVA. All three recreation programs (*i.e.,* BLM, USFS, and TVA) manage similar types of facilities, including roads, trails, parking areas, trailheads, picnic areas, viewpoints, campgrounds, and boat launch sites, and all three programs manage organized and commercial recreation activities through specific authorization and permit processes.

2. Rangeland Management

The BLM's Rangeland Management Program guides management of rangelands through grazing management, vegetation treatments, soil management, and rangeland health, as well as inventorying, controlling, and managing noxious weeds and invasive species. The BLM currently administers livestock grazing on 155 million of the 245 million acres of public land under its jurisdiction through nearly 18,000 grazing permits and leases that authorize approximately 12.3 million animal unit months (AUMs) of grazing annually (2023 Public Land Statistics, published August 2024). An AUM means the amount of forage necessary for the sustenance of one cow/calf pair or its equivalent for a period of one month. The BLM's Rangeland Management Program is similar to the one managed by the USFS. Both Rangeland Management Programs manage livestock grazing, vegetation treatments, soil management, and rangeland health, as well as inventorying, controlling, and managing noxious weeds and invasive species.

3. Rights-of-Way

The BLM Lands and Realty Program processes applications for rights-of way or other land use authorizations that facilitate commercial, non-commercial, recreational, and other activities to ensure that the public lands are working landscapes managed for the use and enjoyment of current and future generations, including for communication sites, transmission lines, fiber optic infrastructure, and energy.

4. Mineral Materials

Mineral materials include natural resources, such as sand, gravel, dirt, and rock, used in everyday building and other construction uses. These materials generally are bulky and have low unit price. Their sheer weight makes their transportation costs very high. Adequate local supplies of these basic resources are vital to the economic life of any community. The BLM's policy is to make these materials available to the public and local governmental agencies whenever possible and wherever environmentally acceptable.

5. Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act of 1990, (NAGPRA) provides a process for Federal agencies and museums that receive Federal funds to repatriate or transfer certain Native American cultural items—human remains, funerary objects, sacred objects and objects of cultural patrimony—to lineal descendants, Indian Tribes, Alaska Native Corporations, and Native Hawaiian organizations. NAGPRA also provides a process for Federal agencies to address new discoveries of Native American human remains, funerary objects, sacred objects, and objects of cultural property intentionally excavated or inadvertently discovered on Federal or Tribal lands.

National Environmental Policy Act and Categorical Exclusions

NEPA, as amended, 42 U.S.C. 4321–4347, requires all Federal agencies to consider the environmental impact of their proposed actions before deciding whether and how to proceed. 42 U.S.C. 4321, 4332. NEPA's aims are to ensure agencies consider the environmental effects of their proposed actions in their decision-making processes and inform and involve the public in that process. 42 U.S.C. 4331.

Under NEPA, a Federal agency can establish CXs—categories of actions that normally do not have a significant effect on the human environment and therefore do not require preparation of an environmental assessment (EA) or an environmental impact statement (EIS). 42 U.S.C. 4336e(1). These CXs are listed in an agency's NEPA implementation procedures. In accordance with that agency's NEPA procedures, if an agency determines that a CX covers a proposed action, it then evaluates the proposed action to determine whether any extraordinary circumstances that indicate the normally excluded action may have a significant effect. If no extraordinary circumstances are present or if further analysis determines that the extraordinary circumstances do not involve the potential for significant environmental impacts, the agency may apply the CX to the proposed action

without preparing an EA or EIS. 42 U.S.C. 4336(a)(2).

Section 109 of NEPA, enacted as part of the Fiscal Responsibility Act of 2023, allows a Federal agency to ''adopt'' or use another agency's CX for a category of proposed agency actions. 42 U.S.C. 4336(c). To adopt another agency's CXs under section 109, the adopting agency must identify the relevant CX listed in another agency's (''establishing agency'') NEPA procedures that cover the adopting agency's category of proposed actions or related actions; consult with the establishing agency to ensure that the proposed adoption of the CX for the relevant category of actions is appropriate; identify to the public the CX that the adopting agency plans to use for its proposed actions; and document adoption of the CX. 42 U.S.C. 4336(c). The BLM has prepared this notice to describe how it has met applicable statutory requirements for the adoption of 15 CXs, 36 CFR 220.6(d)(5) and (12), 36 CFR 220.6(e) (1), (5), (9), (20), (21), (22) and (23), 516 Departmental Manual (DM) 14.5 D(9), 516 DM 9.5(P) and 18 CFR part 1318, subpart C, appendix A, n. 17, 22, 23 and 34 and to notify the public.

The Department's NEPA procedures are codified at 43 CFR part 46. These procedures address compliance with the NEPA. The Department's protocol for application of CXs is at 43 CFR 46.205. The Department's CXs available to all bureaus within the Department are listed in 43 CFR 46.210. Additional Department-wide NEPA policy is found in the DM, in chapters 1 through 4 of part 516. Supplementary NEPA procedures for the Department's bureaus are published in additional chapters in part 516 of the DM. Chapter 11 of the 516 DM covers the BLM's NEPA procedures and the BLM CXs are listed in 516 DM 11.9.

Categorical Exclusions That Are Adopted

The BLM has identified the following USFS CX, found at 36 CFR 220.6(d)(5) which applies to repair and maintenance of recreation sites and facilities. The BLM intends to rely on this CX to conduct, for example and without limitation, the repair and maintenance of existing recreation sites and facilities including application of pesticide treatments, repairing vault toilets, and repairing and maintaining campsites.

The BLM has identified the following USFS CX, found at 36 CFR 220.6(d)(12) which applies to issuance of a new authorization or amendment of an existing authorization for recreation special uses. The BLM intends to rely on this CX to issue, for example and without limitation, a new Special Recreation Permit or amend an existing Special Recreation Permit authorizing activities on existing roads, trails, or facilities, or in an area where such activities are allowed, for activities such as high school mountain bike races, competitive motorcycle races, wagon train reenactments on designated roads or trails, permits for shuttle operators, or use of existing facilities and recreation sites for organized group activities and events.

The BLM has identified the following USFS CX, found at 36 CFR 220.6(e)(1) which applies to construction and reconstruction of trails. The BLM intends to rely on this CX to authorize, for example and without limitation, the construction and reconstruction of trails to ensuring that access to toilets, picnic tables, and boat ramps accommodates users of wheelchairs or other similar mobility assistance devices.

The BLM has identified the following USFS CX, found at 36 CFR 220.6(e)(5) which applies to regeneration of an area to native tree species. The BLM intends to rely on this CX to authorize, for example and without limitation, the regeneration of areas to native tree species including site preparation techniques such as prescribed fire, soil scarification, and ripping or subsoiling. The BLM would not rely on this CX for regeneration of plants other than trees.

BLM has identified the following USFS CX, found at 36 CFR 220.6(e)(9) which applies to implementation or modification of minor management practices to improve allotment condition or animal distribution. The BLM intends to rely on this CX to authorize minor management practices to improve allotment conditions or animal distribution when an allotment management plan is not in place, including but limited to, revegetation, adding or moving a water facility, consistent with the examples provided in the CX text.

BLM has identified the following USFS CX, found at 36 CFR 220.6(e)(20) which applies to activities that restore, rehabilitate, or stabilize lands occupied by roads and trails. The BLM intends to rely on this CX to authorize, for example and without limitation, actions that restore, rehabilitate, and stabilize lands associated with roads and trails, including installing features such as boulders and logs to promote revegetation, reestablishing natural drainage, stabilizing slopes, and installing water bars.

BLM has identified the following USFS CX, found at 36 CFR 220.6(e)(21) which applies to construction, reconstruction, decommissioning, relocation, or disposal of buildings, infrastructure, or other improvements at an existing administrative site. The BLM intends to rely on this CX to authorize, for example and without limitation, activities including the removal, construction, reconstruction, decommissioning, relocation, or disposal of buildings, infrastructure, or other improvements at an existing administrative site.

BLM has identified the following USFS CX, found at 36 CFR 220.6(e)(22) which applies to construction, reconstruction, decommissioning, or disposal of buildings, infrastructure, or improvements at an existing recreation site. The BLM intends to rely on this CX when authorizing, for example and without limitation, the construction, reconstruction, decommissioning, or disposal of buildings, infrastructure, or improvements at an existing recreation site, or infrastructure or improvements that are adjacent or connected to an existing recreation site and provide access or utilities for that site including construction, reconstruction, or decommissioning of toilets, camps sites, parking areas, and roads.

BLM has identified the following USFS CX, found at 36 CFR 220.6(e)(23) which applies to road management activities on up to 8 miles of NFS roads and associated parking areas. The BLM intends to rely on this CX to authorize, for example and without limitation, repair, rehabilitation, and providing safety improvements for roads and associated features on the BLM managed public land including installation of pull outs, shoulders, and bridges.

Consistent with 36 CFR 220.6(e), the USFS, when relying on these CXs, develops a supporting record and a decision memo. The documentation the BLM will develop when it relies on one of these adopted CXs will be similar to USFS documentation and the BLM will publish the documentation on its publicly available National NEPA Register (*https://eplanning.blm.gov/eplanning-ui/home*).

The BLM has identified the following BOR CX, found at 516 DM 14.5 D(9), which applies to issuance of permits for removal of gravel or sand. Consistent with the CX text, the BLM intends to rely on the CX to support approval of the issuance of permits to remove sand and gravel from existing quarries, mines, or pits.

The BLM has identified the following USGS CX, found at 516 DM 9.5(P) which applies to minor activities required to gain or prepare access to sites for exploration drilling operations. The BLM intends to rely on the CX to

prepare access to conduct exploratory drilling or construction of a station for geologic, hydrologic, and geophysical data collection. The CX is limited to minor activities relating to accessing the site and does not include exploratory drilling or station construction.

The BLM has identified the following TVA CX, found at 18 CFR part 1318, subpart C, appendix A, n. 17 which applies to routine modification, repair, maintenance, and minor upgrade of, and addition to, existing transmission infrastructure. The BLM intends to rely on the CX to authorize activities, for example and without limitation, powerline modification, repair, maintenance, minor upgrade, or addition to, existing transmission infrastructure and construction of roads outside a right-of way that are up to one mile long, consistent with the examples listed in the CX text.

The BLM has identified the following TVA CX, found at 18 CFR part 1318, subpart C, appendix A, n. 22 which applies to development of dispersed recreation sites. The BLM intends to rely on the CX to support the development of dispersed recreation sites of less than 10 acres, for example and without limitation, installation and construction of trails, access improvements, dispersed camp sites, and fencing.

The BLM has identified the following TVA CX, found at 18 CFR part 1318, subpart C, appendix A, n. 23 which applies to development of public use areas. The BLM intends to rely on the CX to construct public use sites such as developed recreation sites smaller than 10 acres, for example and without limitation, boat ramps, stream access, camp sites, parking lots, and access roads.

The BLM has identified the following TVA CX, found at 18 CFR part 1318, subpart C, appendix A, n. 34 which applies to reburial of human remains and funerary objects. The BLM intends to rely on the CX to rebury human remains and funerary objects discovered after the enactment of NAGPRA on BLM-managed public land.

Consultation With USFS, USGS, BOR and TVA and Determination of Appropriateness

The BLM consulted with USFS, USGS, BOR and TVA on the appropriateness of the adoption of the CXs for the BLM's use in October 2024. The consultations included a review of USFS's, USGS's, BOR's, and TVA's experiences developing and applying the CXs, as well as the types of actions for which the BLM plans to rely on the CXs. The USFS, TVA, and the BLM discussed that USFS's, TVA's, and the BLM authorized trails, roads, recreation sites, and associated land use authorizations are similar in type and scope. The other types of the BLM actions are also similar in type and scope to the actions that USFS, USGS, BOR, and TVA conduct in reliance on CXs. Therefore, the effects of the BLM's actions are expected to be similar to the effects of USFS, USGS, BOR, and TVA actions, which are not significant, absent the presence of extraordinary circumstances that could involve potentially significant effects. The Department has determined that adoption of the CXs for the BLM's use as described in this notice is appropriate.

Consideration of Extraordinary Circumstances

In consultations with USFS, USGS, BOR, and TVA, the BLM evaluated the extraordinary circumstances to be considered when applying these CXs. When applying these CXs, responsible officials within the BLM will evaluate proposed actions covered by the CXs to determine whether any extraordinary circumstances are present. The Department's extraordinary circumstances are listed at 43 CFR 46.215 and include, in part, consideration of impacts on public health and safety; natural resources; unique geographic characteristics; historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; other ecologically significant or critical areas; unresolved conflicts concerning alternative uses of available resources; unique or unknown environmental risks; precedent for future decision-making; historic properties; listed species or critical habitat; access by Indian religious practitioners to, and for ceremonial use of, Indian sacred sites and the physical integrity of those sites; and contribution to the introduction, continued existence, or spread of invasive weeds or non-native invasive species. The Department's list of extraordinary circumstances addresses issues also identified by the USFS and found at 36 CFR. 220.6 and by the TVA found at 18 CFR 1318.201 and therefore, responsible officials in the BLM intending to rely on these CXs will review whether the proposed action has the potential to result in significant effects as described in the Department's extraordinary circumstances. Because the BLM, BOR, and USGS are bureaus within the Department, the same extraordinary circumstances are used for all three bureaus. The responsible official will assess whether an extraordinary circumstance is present. If the responsible official cannot rely on a CX to support a decision to authorize or take a particular proposed action due to the presence of one or more extraordinary circumstances, the proposed action must be analyzed in an EA or EIS before a decision is made authorizing the action, consistent with and 43 CFR 46.205(c).

Notice to the Public and Documentation of Adoption

This notice identifies to the public the BLM's adoption of the USFS's, USGS's, BOR's, and TVA's CXs for the BLM's use. The notice identifies the types of actions to which the BLM would apply the CXs. The documentation of the adoption will also be available at *http://www.blm.gov/programs/planning-and-nepa/what-informs-our-plans/nepa* and at *https://www.doi.gov/oepc/nepa/categorical-exclusions.* The BLM will add the adopted CXs to the BLM's NEPA DM Chapter in 516 DM 11.

Authorities

National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Stephen G. Tryon,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 2025–11935 Filed 6–26–25; 8:45 am]

BILLING CODE 4331–27–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[256A2100DD; AAKP300000; A0A501010.000000]

Notice of Adoption of Categorical Exclusion Under Section 109 of the National Environmental Policy Act

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior (Department) is notifying the public and documenting the adoption of the Indian Health Service (IHS) categorical exclusion (CE) for actions associated with construction of sanitation facilities to serve Indian homes and communities, under section 109 of the National Environmental Policy Act (NEPA). The CE is adopted for use by the Bureau of Indian Affairs (BIA). In accordance with section 109, this notice identifies the types of actions to which BIA will apply the CE, the

considerations that BIA will use in determining the applicability of the CE, and the consultation between the agencies on the use of the CE, including application of extraordinary circumstances.

DATES: The adoption is effective June 27, 2025.

FOR FURTHER INFORMATION CONTACT: Justine Vaivai, Environmental Protection Specialist, Environmental Services, BIA, *justine.vaivai@bia.gov.*

SUPPLEMENTARY INFORMATION:

Background

Program Background

Installation of sanitation facility infrastructure is critical across Indian Country. IHS often works with BIA for these important projects. As a funding agency, IHS conducts NEPA analysis for the construction of the waterlines and sanitation facilities. Meanwhile, BIA often has an associated action such as the approval of a lease, right-of-way, or easement for the project to proceed, and therefore has NEPA compliance responsibilities. In most instances, both IHS and BIA are involved in a waterline or a sanitary facility project; however, through adoption of IHS's CE, the BIA could rely on IHS's CE in such circumstances, as well as when making decisions about waterline or sanitary facility projects when IHS is not involved.

Adoption by BIA of the IHS categorical exclusion will allow for consistent and efficient environmental reviews between the two agencies in project development, providing more predictability for applicants. IHS has effectively utilized their CE to support approval of approximately 2,400 projects between 2019–2024 across Indian Country.

National Environmental Policy Act and Categorical Exclusions

The National Environmental Policy Act, as amended, 42 U.S.C. 4321–4347 (NEPA), requires all Federal agencies to consider the environmental impact of their proposed actions before deciding whether and how to proceed. 42 U.S.C. 4321, 4332. NEPA's aims are to ensure agencies consider the environmental effects of their proposed actions in their decision-making processes and inform and involve the public in that process. 42 U.S.C. 4331.

Under NEPA as amended, a Federal agency can establish CEs—categories of actions that normally do not have a significant effect on the human environment, individually or in the aggregate, and therefore do not require preparation of an environmental assessment (EA) or an environmental impact statement (EIS)—in their agency NEPA procedures. 42 U.S.C. 4336e(1). If an agency determines that a CE covers a proposed action, it then evaluates the proposed action for extraordinary circumstances in which a normally excluded action may have a significant effect. If no extraordinary circumstances are present, the agency may apply the CE to the proposed action without preparing an EA or EIS. 42 U.S.C. 4336(a)(2).

Section 109 of NEPA, enacted as part of the Fiscal Responsibility Act of 2023, allows a Federal agency to ''adopt'' or use another agency's CE for a category of proposed agency actions. 42 U.S.C. 4336c. To use another agency's CE under section 109, the adopting agency must identify the relevant CE listed in another agency's (''establishing agency'') NEPA procedures that cover the adopting agency's category of proposed actions or related actions; consult with the establishing agency to ensure that the proposed adoption of the CE for a category of actions is appropriate; identify to the public the CE that the adopting agency plans to use for its proposed actions; and document adoption of the CE. 42 U.S.C. 4336c. The BIA has prepared this notice to describe how it has met applicable statutory requirements for the adoption of IHS CE ''J. Construction of Sanitation Facilities'' and to notify the public.

The Department NEPA procedures are codified at 43 CFR part 46. These procedures address compliance with NEPA. The Department's protocol for application of CEs is at 43 CFR 46.205. The Department's CEs available to all bureaus within the Department are listed in 43 CFR 46.210. Additional Department-wide NEPA policy is found in the Department's Departmental Manual (DM), in chapters 1 through 4 of part 516. Supplementary NEPA procedures for the Department's bureaus are published in additional chapters in part 516 of the DM. Chapter 10 of the 516 DM covers the BIA's NEPA procedures and the BIA CEs are listed in 516 DM chapter 10.5.

Categorical Exclusion That Is Adopted

BIA has identified the following IHS CE, found in the **Federal Register** Notice, National Environmental Policy Act; Categorical Exclusions (58 FR 569, Jan. 6, 1993) for adoption.

J. Construction of Sanitation Facilities—Actions associated with construction of sanitation facilities to serve Indian homes and communities, except that the following actions are not excluded: (1) Construction of a sanitary landfill at a new solid waste disposal site, and (2) Construction of a new wastewater treatment facility with direct discharge of treated sewage to surface waters.

Consultation With IHS and Determination of Appropriateness

BIA consulted with IHS on the appropriateness of BIA's adoption of the CE in May through July 2024. The consultation included a review of IHS's experience developing and applying the CE, as well as the types of actions for which BIA plans to utilize the CE. The BIA is often involved in IHS's sanitation projects and is familiar with the environmental effects of these projects; the BIA expects that the environmental effects of BIA's actions will be similar to the effects of IHS's sanitation projects approved in reliance on their CE, which have not been significant. Therefore, BIA has determined that its adoption of the CE as described in this notice is appropriate.

Consideration of Extraordinary Circumstances

When applying this CE, responsible officials within BIA will evaluate proposed actions covered by the CE to determine whether any extraordinary circumstances are present. The Department's extraordinary circumstances are listed at 43 CFR 46.215 and include, in part, consideration of impacts on public health and safety; natural resources; unique geographic characteristics; historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; other ecologically significant or critical areas; unresolved conflicts concerning alternative uses of available resources; unique or unknown environmental risks; precedent for future decision-making; historic properties; listed species or critical habitat; access by Indian religious practitioners to, and for ceremonial use of, Indian sacred sites and the physical integrity of those sites; and contribution to the introduction, continued existence, or spread of invasive weeds or non-native invasive species. The Department's list of extraordinary circumstances addresses issues comparable to the issues addressed by the IHS's extraordinary circumstances found at 58 FR 569 (Jan. 6, 1993*).* Therefore, responsible officials within BIA intending to rely on this CE will review whether the proposed action has the potential to result in significant effects as described in the Department's

extraordinary circumstances. The responsible official will assess whether an extraordinary circumstance is present according to 43 CFR 46.205 and 46.215. If the responsible official cannot rely on a CE to support a decision to authorize or take a particular proposed action due to extraordinary circumstances, the responsible official will prepare an EA or EIS before doing so, consistent with 43 CFR 46.205(c).

Notice to the Public and Documentation of Adoption

This notice identifies to the public BIA's adoption of the IHS CE. The notice identifies the types of actions to which BIA would apply the CE, as well as the considerations that BIA would use in determining whether an action is within the scope of the CE. The documentation of the adoption will also be available at *https://www.bia.gov/service/nepa-compliance* and at *https://www.doi.gov/oepc/nepa/categorical-exclusions.* The BIA will add the adopted CE to the BIA's NEPA DM Chapter at 516 DM 10.

Authorities

National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Stephen G. Tryon,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 2025–11921 Filed 6–26–25; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040435; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Turtle Bay Exploration Park, Redding, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Turtle Bay Exploration Park (TBEP) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 28, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Julia Cronin, Turtle Bay Exploration Park, 844 Sundial Bridge Drive, Redding, CA 96001, email *jcronin@turtlebay.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of TBEP, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one lot of cultural items has been requested for repatriation. The one lot of unassociated funerary objects are Corneline D'aleppo glass trade beads mounted in a large frame.

These beads were purchased by the Redding Museum and Art Center, now Turtle Bay Exploration Park, in 1972 from Troy Crisp, a Texas-born collector who lived briefly in Northern California. Crisp acquired a large collection of Native American and Indigenous Mexican Belongings over his lifetime through vacations, purchases from other collectors, and spending time outdoors hiking and surveying for surface finds. He primarily added to his collection through his business operating heavy equipment to clear brush land. It is unclear how or when he obtained the beads.

Museum records state the beads were ''found'' in 1969 at a mound in Placerville, California. Mounds are culturally and historically significant to many Native Americans. Based on their location and other factors, the beads were culturally attributed to the Miwok or Maidu. Placerville, the county seat of El Dorado County, California, is near the Shingle Springs Rancheria, whose members are descendants of the Miwok and Maidu peoples who once lived in the region where the beads were recovered.

Turtle Bay Exploration Park does not treat Indigenous Belongings with hazardous materials. However, it is not documented whether these items received treatment prior to the care of the Redding Museum and Art Center.

Determinations

Turtle Bay Exploration Park has determined that:

- The one lot of unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, TBEP must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. TBEP is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11937 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040431; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), San Bernardino County Museum has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Gabrielle Carpentier, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, email *gabrielle.carpentier@sbcm.sbcounty.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of San Bernardino County Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. The three associated funerary objects are ground stone. Human remains found in Taft (Lost Hills area) include two cranium caps and 11 bags of fragmented mandible and other fragmented bone. Based on reference by Mark Sutton in PCAS Quarterly 55 (2&3), this site is listed in a site inventory table named Summary of Excavation Projects in the Buena Vista Lake Region with the following information: Site No. is CA–KER–2421, Site Area is Lost Hills. CA–KER–2421 (SBCM–201) was collected in 1939 by Gerald A. Smith.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

San Bernardino County Museum has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The three objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Tejon Indian Tribe.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, San Bernardino County Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. San Bernardino County Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11945 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040439; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: William S. Webb Museum of Anthropology, University of Kentucky, Lexington, KY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the William S. Webb Museum of Anthropology, University of Kentucky (WSWM) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Celise Chilcote-Fricker, William S. Webb Museum of Anthropology, University of Kentucky, 1020 Export Street, Lexington, KY 40504, email *celise.fricker@uky.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the WSWM, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, 490 individuals have been reasonably identified. The 1,174 associated funerary objects are two atlatl points, three bone beads, 46 bone awls, one bone fish hook, one bone pendant, three bone tubes, three bone whistles, three dog burials, one etched bone tool, two bone projectile points, three faunal tooth pendants, one bone flaker, three modified antlers, one modified bone, three modified pieces of turtle carapace, seven lithic projectile points, eight lithic projectile points/knives, two lithic knives, six pestles, six scrapers, two

sub-rectangular bars, five cannel coal beads, three tubular lithic beads, one red sandstone barrel bead, one copper needle, one copper pin, one copper sheet fragment, 206 shell disc beads, one shell gorget, 12 shell pendants, 474 shell snail beads, 11 shell tubular beads, 179 lots faunal, 10 lots ceramic, four lots charcoal, 118 lots lithic, and 40 lots shell. Site 15McL04, the Barrett site, was excavated from November 1938 to July 1939 by University of Kentucky archaeologists under contract to the Works Progress Administration (WPA). No known hazardous substances are present.

Based on the information available, human remains representing, at least, one individual has been reasonably identified. The two associated funerary objects are one ceramic human effigy head and one lot ceramic. Site 15McL13, the Yankee site, was excavated by University of Kentucky Museum of Anthropology staff under contract to the WPA in September 1938. No known hazardous substances are present.

Based on the information available, human remains representing, at least, one individual has been reasonably identified. The four associated funerary objects are two lithic projectile points, one lithic drill and one lot faunal. Site 15McL14, the Seton site, underwent a limited test excavation by University of Kentucky Museum of Anthropology staff under contract to the WPA in 1938. No known hazardous substances are present.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The WSWM has determined that:

- The human remains described in this notice represent the physical remains of 492 individuals of Native American ancestry.
- The 1,180 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, the WSWM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The WSWM is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11932 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040441; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: California State University, Stanislaus, Turlock, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Stanislaus intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 28, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Jake Malsbury, California State University, Stanislaus, One University Circle, Turlock, CA 95382, email *jmalsbury@csustan.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California State University, Stanislaus, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of three cultural items have been requested for repatriation. The three unassociated funerary objects were removed from a site in Hughes County, South Dakota.

Determinations

The California State University, Stanislaus has determined that:

- The three unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any

lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, the California State University, Stanislaus must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The California State University, Stanislaus is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 17, 2025

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11940 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040443; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Pennsylvania Museum of Archaeology and Anthropology (Penn Museum) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 28, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Christopher Woods, University of Pennsylvania Museum of Archaeology and Anthropology, 3260 South Street, Philadelphia, PA 19104–6324, email *director@pennmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Penn Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 272 cultural items have been requested for repatriation. The 272 unassociated funerary objects consist of tools such as adze heads, handles, crooked knives, dog harness swivels, drills, needles, scrapers, snow goggles, and wrist shields; hunting implements including arrowheads, bullets, harpoon fragments and cases, an atlatl, lance head, and bow; and dishware such as bowls, cups, ladles, and plates. Additional items include pipe fragments, sled parts, amulets, charms, beads, and dentalium shells. Object materials include stone, metal, glass, and organic materials such as wood, shell, animal bone, ivory, antlers, leather, and sinew. Two items have a known presence of lead.

The items were collected by Edward Avery McIlhenny from Barrow, Alaska, between 1897 and 1898, who was in the Barrow area at this time assembling archaeological and ethnographical collections on behalf of the Penn Museum and the Academy of Natural Sciences of Philadelphia. The items were accessioned into the collection of the University of Pennsylvania, Department of Archaeology and Paleontology (now, Penn Museum) in 1899. Of the 272 items, 15 were collected from the Cape Smythe graveyard (a Historic cemetery east of Utkiavik) and 257 were collected from the Point Barrow cemetery (the Historic Nixeruk cemetery), both in the North Slope Borough region of Alaska.

Determinations

The Penn Museum has determined that:

- The 272 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Native Village of Barrow Inupiat Traditional Government.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, the Penn Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Penn Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11933 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#-40464; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the

significance of properties nominated before June 14, 2025, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by July 14, 2025.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before June 14, 2025. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers

KEY: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

DELAWARE

New Castle County

Mitchell-Biden House, 228 North Star Road, Newark vicinity, SG100012038

LOUISIANA

Jefferson Parish

The Oleander Hotel, (Louisiana Coastal Vernacular: Grand Isle 1780–1968 MPS), 166–176 Ludwig Lane, Grand Isle, MP100012046

OKLAHOMA

Muskogee County

Old Union Agency Cemetery, Address Restricted, Muskogee vicinity, SG100012028

Wagoner County

Thomas Smith Cemetery, East 41st Street South, Broken Arrow vicinity, SG100012029

PENNSYLVANIA

Allegheny County

Charles M. Schwab House, 541 Jones Ave., North Braddock, SG100012042

Carbon County

Mauch Chunk Cemetery, 201 South Avenue, Jim Thorpe, SG100012043

Chester County

Hamorton Historic District (Boundary Increase), Jct. of US 1 and SR 52, Kennett Square vicinity, BC100012044

UTAH

Washington County

Springdale Town Jail, 60 Winderland Drive, Springdale, SG100012039

WASHINGTON

Douglas County

45DO1422, (Spiritually Significant Rock Features of the Southern Columbia Plateau and Okanogan Highlands MPS), Address Restricted, Washington, MP100012033

45DO1423, (Spiritually Significant Rock Features of the Southern Columbia Plateau and Okanogan Highlands MPS), Address Restricted, Palisades, MP100012034

45DO1424, (Spiritually Significant Rock Features of the Southern Columbia Plateau and Okanogan Highlands MPS), Address Restricted, Palisades vicinity, MP100012035

45DO1425, (Spiritually Significant Rock Features of the Southern Columbia Plateau and Okanogan Highlands MPS), Address Restricted, Palisades vicinity, MP100012036

45DO1426, (Spiritually Significant Rock Features of the Southern Columbia Plateau and Okanogan Highlands MPS), Address Restricted, Palisades vicinity, MP100012037

WISCONSIN

Milwaukee County

Carleton District #3 School, 4116 West Silver Spring Drive, Milwaukee, SG100012027

WYOMING

Teton County

Wilson Commercial Historic District, Main Street & W Highway 22, Wilson, SG100012032

Additional documentation has been received for the following resource(s):

PENNSYLVANIA

Chester County

Hamorton Historic District (Additional Documentation), Jct. of US 1 and SR 52, Kennett Square vicinity, AD90000704

WYOMING

Teton County

Wort-Stilson-Pucci Cabin (Additional Documentation), Pt Tract 38, Section 18, Township 42, Range 113, Kelly vicinity, AD90000889

Authority: Section 60.13 of 36 CFR part 60

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2025–11976 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040445; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The Wistar Institute, Philadelphia, PA, and the University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), The Wistar Institute, through its agent the University of Pennsylvania Museum of Archaeology and Anthropology (Penn Museum) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Dr. Christopher Woods, Williams Director, University of Pennsylvania Museum of Archaeology and Anthropology, 3260 South Street, Philadelphia, PA 19104–6324, email *director@pennmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Wistar Institute through its agent, the Penn Museum, and additional information on

the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least 34 individuals have been identified. No associated funerary objects are present. Sometime between 1897 and 1898, the human remains of 34 individuals were collected from a historic cemetery at Point Barrow, Alaska by Edward Avery McIlhenny, who was in Barrow at this time assembling archaeological and ethnographical collections on behalf of the Penn Museum and the Academy of Natural Sciences of Philadelphia. In 1898, McIlhenny shipped his collection, including the human remains, by freight from Seattle to the University of Pennsylvania, Department of Archaeology and Paleontology. The human remains were immediately transferred to the Wistar Institute of Anatomy and Biology by an agreement between both institutions and were accessioned into the Wistar Institute's collections in 1899. In 1956, 33 of the 34 ancestral human remains were transferred to the Penn Museum on long-term loan.

One of the 34 individuals was transferred to Thomas N. Haviland of the University of Pennsylvania School of Veterinary Medicine, likely before 1956. By 1970, the human remains were transferred to Temple University by Haviland's estate. The remains were returned to the Wistar Institute in 2012 and subsequently loaned to the Penn Museum that same year.

The 34 human remains, mainly represented by crania and mandibles, range in age from adolescence to later adulthood. Both males and females are represented, with some sexes being indeterminate or ambiguous. There is one named individual who was identified as Nonoycha, the head man or ''Qmilik,'' meaning chief. There is no known presence of any potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The officials of the Wistar Institute, through its agent the Penn Museum, has determined that:

- The human remains described in this notice represent the physical remains of 34 individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Native Village of Barrow Inupiat Traditional Government.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, the Wistar Institute, through its agent, the Penn Museum, must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Wistar Institute, through its agent, the Penn Museum, is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11944 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040436; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The Newark Museum of Art, Newark, NJ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), The Newark Museum of Art has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Amber W. Germano, Senior Registrar, The Newark Museum of Art, 49 Washington Street, Newark, NJ 07102, email *agermano@newarkmuseumart.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of The Newark Museum of Art, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. No associated funerary objects are present.

A human lower jawbone of unknown age was donated to the museum by Chester Robotham and accepted into the Museum's collections December 30, 1915. According to Museum records, the ancestral remains were taken from Ft. Pierce, FL and are listed in the Museum catalogue as Seminole.

Additionally, a donation of human bone fragments representing at least one individual was donated to the Museum by David M. Harris in May of 1915. These ancestral remains are of unknown age and were excavated near an Indian shell mound in Mound Park, St. Petersburg, FL.

Both Fort Pierce and Mound Park, St. Petersburg are located within the ancestral lands of the Seminole Tribe of Florida, the Seminole Nation of Oklahoma, and the Miccosukee Tribe of Indians of Florida.

The Newark Museum of Art has no record of treating these ancestral remains with conservation methods involving toxic pesticides or other dangerous substances. The Museum has not tested them for toxicity. However, at the time these individuals were accessioned it was common practice to use poisonous substances for conservation purposes.

Cultural Affiliation

Based on the information available and the results of consultation, cultural

affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Newark Museum of Art has determined that:

- The human remains described in this notice represent the physical remains of at least two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Miccosukee Tribe of Indians; Seminole Tribe of Florida; and The Seminole Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, The Newark Museum of Art must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Newark Museum of Art is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11931 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040446; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sam Noble Oklahoma Museum of Natural History (SNOMNH) has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after July 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Zachary Garrett, NAGPRA Program Coordinator, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, email *zacgarrett@ou.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the SNOMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, one associated funerary object was removed from the Moore site (34Lf31) in LeFlore County, OK. The one associated funerary object is one lot of ceramic vessels. This site is located approximately two miles north of the town of Spiro, OK, and within the floodplain of the Arkansas River. It was initially discovered—and severely disturbed—by a railroad that cut through the site in 1885 and was later impacted by extensive farming activities and looting. In 1938 and 1939, excavations were carried out by the Works Progress Administration, and the University of Oklahoma conducted additional salvage excavations in 1969. The associated finds were transferred to SNOMNH following each excavation season. This funerary object was likely interred during the Fort Coffee phase (1450–1650 CE). Cultural affiliation was determined through Tribal consultation, and included consideration of anthropological, archeological, geographical, and historical information. To our knowledge, no potentially hazardous materials were used to treat the associated funerary object. This list of objects is an addition to the group of associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** on December 19, 2023 (88 FR 87803).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

SNOMNH has determined that:

- The one object described in this notice is reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary object described in this notice and the Caddo Nation of Oklahoma and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, the SNOMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single

request and not competing requests. SNOMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 17, 2025

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11926 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040437; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Illinois Urbana-Champaign, Champaign, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Illinois Urbana-Champaign has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Krystiana Krupa, University of Illinois Urbana-Champaign, 601 E John Street, Champaign, IL 61820, email *klkrupa@illinois.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Illinois Urbana-Champaign, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. The 12 associated funerary objects are faunal remains. The human remains and associated funerary objects are from the Bradley Site (3Ct7) in Crittenden Co., Arkansas. The collection came to the Illinois State Archaeological Survey after being looted at an unknown date, and the Survey transferred the collection to the NAGPRA Office for consultation and repatriation. The University of Illinois Urbana-Champaign is not aware of any potentially hazardous substances used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The University of Illinois Urbana-Champaign has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The 12 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Quapaw Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, the University of Illinois Urbana-Champaign must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of Illinois Urbana-Champaign is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11927 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040438; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of California, Berkeley, Berkeley, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Berkeley intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 28, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Alexandra Lucas, University of California, Berkeley, 200 California Hall, Berkeley, CA 94720, email *nagpra-ucb@berkeley.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of California, Berkeley, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 14 lots of cultural items have been requested for repatriation. Before 1947, Francis A. Riddell removed 14 lots of unassociated funerary belongings from CA–SAC–18 in Sacramento County, California. The 14 lots of unassociated funerary belongings were accessioned into the University of California, Berkeley's Museum of Anthropology (now known as Phoebe A. Hearst Museum of Anthropology) on January 15, 1947.

The unassociated funerary belongings include beads, worked stone, baked clay, faunal remains, wood, and worked bone.

Collections and collection spaces at the Phoebe A. Hearst Museum of Anthropology were treated with substances for preservation and pest control, some potentially hazardous. No records have been found to date at the Museum to indicate whether or not chemicals or natural substances were used prior to 1960.

Determinations

The University of California, Berkeley has determined that:

- The 14 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Wilton Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, the University of California, Berkeley must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The University of California, Berkeley is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11943 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040427; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: California State Polytechnic University, Humboldt, Arcata, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), California State Polytechnic University, Humboldt (Cal Poly Humboldt) intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 28, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Megan Watson, Cal Poly Humboldt, 1 Harpst Street, Arcata, CA 95521, email *calnagpra@humboldt.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Cal Poly Humboldt, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 9,241 cultural items have been requested for repatriation. The 9,241 objects of cultural patrimony include groundstone, flaked stone, unmodified faunal remains, floral remains, unmodified stones, manuports, soil samples, and historic items.

In 1990, two cultural items were purchased at the Redwood Acres Flea Market and donated to Humboldt State University (now Cal Poly Humboldt) by an anonymous donor. Written testimony from the anonymous donor, as well as an accompanying newspaper article clipping, indicates that these cultural items were removed from CA–HUM–351/H located in Arcata, California.

In 1991, one cultural item was removed from an unknown site (referred to as Mad River 2010) near the Mad River located in Humboldt County, California. No associated paperwork or documentation could be located, and it is unclear how the cultural item came to be held in the collections at Cal Poly Humboldt. However, a brief note accompanying the cultural item indicates it may have been collected by archaeologist Peter Dudley of Humboldt State University (now Cal Poly Humboldt).

In 1992, one cultural item was removed from an unknown site (referred to as Shirley Boulevard) located in Arcata, California. No associated paperwork or documentation could be located, and it is unclear how the cultural item came to be held in the collections at Cal Poly Humboldt.

In 1992, one cultural item was removed from an unknown site (referred to as Mad River Beach 1992) near Mad River Beach located in Tyee City, California. No associated paperwork or documentation could be located, and it is unclear how the cultural item came to be held in the collections at Cal Poly Humboldt.

In 1993, three cultural items were removed from CA–HUM–25/P–12–000083 (also known as Loud's 25) located in Samoa, California. The cultural items were removed from the site by archaeologists Allan Bramlette and Peter Dudley of Humboldt State University (now Cal Poly Humboldt). Of these cultural items, one is listed as missing in the catalog. Cal Poly Humboldt is working to locate this item. Should Cal Poly Humboldt locate this item, it will be considered part of this repatriation.

In 1993, 120 cultural items were removed from CA–HUM–939/P–12–000873 (also known as the Hunt Site) located in Bayside, California. The cultural items were removed by archaeologist James Roscoe of Humboldt State University (now Cal Poly Humboldt). Of these cultural items, 65 are listed as missing in the catalog and may have been reburied. Cal Poly Humboldt is working to locate these items. Should Cal Poly Humboldt locate these items, they will be considered part of this repatriation.

In 1994, 6,809 cultural items were removed from P–12–003033 (also known as the Meyer Site/Tipping Site) located in Fieldbrook, California. The cultural items were removed from the site during excavations conducted by students from Humboldt State University (now Cal Poly Humboldt) during the Archaeological Field Methods course. Records indicate that additional items from this site are held in the property owner's private collection and are not in the possession of Cal Poly Humboldt.

In 2007, 191 cultural items were removed from a site referred to as Trobitz/CRF–TRO–01 located in McKinleyville, California. The cultural items were removed by archaeologists Erik Whiteman and James Roscoe of Humboldt State University (now Cal Poly Humboldt).

In 2007, 2,113 cultural items were removed from P–12–001589 (also known as Ribar High Ground 2 and CRF–RH–02) located in Fieldbrook, California. The cultural items were removed by archaeologist Erik Whiteman of Humboldt State University (now Cal Poly Humboldt). Records indicate that one of these cultural items was deaccessioned and may no longer be in the possession of Cal Poly Humboldt. Should Cal Poly Humboldt locate this item, it will be considered part of this repatriation.

Determinations

Cal Poly Humboldt has determined that:

- The 9,241 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Wiyot Tribe, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, Cal Poly Humboldt must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. Cal Poly Humboldt is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11936 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040429; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin Oshkosh, Oshkosh, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin Oshkosh (UWO) has completed an inventory of human remains and associated funerary objects and has determined that there is no lineal descendant and no Indian Tribe or Native Hawaiian organization with cultural affiliation.

DATES: Upon request, repatriation of the human remains and associated funerary objects in this notice may occur on or after July 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Adrienne Frie, University of Wisconsin Oshkosh, 800 Algoma Blvd., Oshkosh, WI 54901, email *friea@uwosh.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UWO, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least one individual have been reasonably identified. The three associated funerary objects are one lot of faunal material and two unmodified natural stones. In the Spring of 2018, the Mason Collection was accepted into the UWO Archaeology Lab on the main campus. The human remains were in a commingled lot of faunal remains and were never used for teaching. No geographic location information about this individual is available. UWO has no knowledge or record of any potentially hazardous substances used to treat the human remains and associated funerary objects.

Human remains representing, at least, eight individuals have been reasonably identified. While investigating the UWO main campus teaching collection for all NAGPRA related material, these individuals were identified. These elements were flagged as NAGPRA relevant because they are soil-stained and could have come from a Native American archeological site. These elements could have lost provenience because they were pulled from their original site bins to create a teaching collection, never properly returned to their boxes after examination, or were turned over to UWO and never properly accessioned. UWO has no knowledge or record of any potentially hazardous substances used to treat the human remains.

Human remains representing, at least, eight individuals have been reasonably identified. UWO took possession of individuals when the University absorbed the previously-named University of Wisconsin—Fox Valley in 2018 (now Fox Cities campus). They were identified and transferred to UWO main campus in 2022. The individuals were commingled and contained no

geographic information. UWO has no knowledge or record of any potentially hazardous substances used to treat the human remains.

Human remains representing at least one individual have been reasonably identified. UWO took possession of the individual when the University absorbed the previously named UWO-Fond du Lac, now UWO Fond du Lac campus, in 2018. The individual was identified and transferred to UWO main campus in 2022. The individual was commingled and contained no geographic information. UWO has no knowledge or record of any potentially hazardous substances used to treat the human remains

Consultation

Invitations to consult were sent to the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cayuga Nation; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Oneida Indian Nation; Oneida Nation; Onondaga Nation; Otoe-Missouria Tribe of Indians, Oklahoma; Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Saint Regis Mohawk Tribe; Santee Sioux Nation, Nebraska;

Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca Nation of Indians; Seneca-Cayuga Nation; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Stockbridge Munsee Community, Wisconsin; The Osage Nation;

Tonawanda Band of Seneca; Turtle Mountain Band of Chippewa Indians of North Dakota; Tuscarora Nation; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; Yankton Sioux Tribe of South Dakota.

UWO also invited non-federally recognized Indian groups: Brothertown Indian Nation; Burt Lake Band of Ottawa and Chippewa Indians; and the Grand River Band of Ottawa Indians.

Between February 2021 and December 2024, UWO held bi-monthly intertribal consultations. The following Indian Tribes participated in at least one intertribal consultation: the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Kickapoo Tribe of Oklahoma; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Oneida Indian Nation; Oneida Nation; Otoe-Missouria Tribe of Indians, Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sokaogon Chippewa Community, Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Stockbridge Munsee Community, Wisconsin; Winnebago Tribe of Nebraska and the non-federally recognized Indian group Brother Town Indian Nation.

Cultural Affiliation

The following types of information about the cultural affiliation of the human remains and associated funerary objects in this notice are available: biological. The information, including the results of consultation, identified:

1. No earlier group connected to the human remains or associated funerary objects.

2. No Indian Tribe or Native Hawaiian organization connected to the human remains or associated funerary objects.

3. No relationship of shared group identity between the earlier group and the Indian Tribe or Native Hawaiian organization that can be reasonably traced through time.

Determinations

UWO has determined that:

- The human remains described in this notice represent the physical remains of 18 individuals of Native American ancestry.
- The three objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- No known lineal descendant who can trace ancestry to the human remains

and associated funerary objects in this notice has been identified.

• No Indian Tribe or Native Hawaiian organization with cultural affiliation to the human remains and associated funerary objects in this notice has been clearly or reasonably identified.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Upon request, repatriation of the human remains and associated funerary objects described in this notice may occur on or after July 28, 2025. If competing requests for repatriation are received, UWO must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UWO is responsible for sending a copy of this notice to any consulting lineal descendant, Indian Tribe, or Native Hawaiian organization.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11942 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040444; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Pennsylvania Museum of Archaeology and Anthropology (Penn Museum) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Dr. Christopher Woods, Williams Director, University of Pennsylvania Museum of Archaeology and Anthropology, 3260 South Street, Philadelphia, PA 19104–6324, email *director@pennmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Penn Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least eight individuals have been identified. No associated funerary objects are present. The eight individuals were removed from a Historic cemetery at Point Barrow, Alaska, by Edward Avery McIlhenny as part of a Penn Museum Expedition between 1897 and 1898.

Six of the eight individuals were shipped to Mr. McIlhenny's home in Louisiana before being transferred to the Academy of Natural Sciences in Philadelphia in 1899. That same year, the remains were transferred to the Penn Museum and accessioned into the Penn Museum collection (PM# 42834–42839).

Two of the eight individuals were shipped to the University of Pennsylvania Department of Paleontology, to be temporarily housed by freight from Seattle before being transferred and accessioned into the collections of the Wistar Institute of Anatomy and Biology, Philadelphia. In 1987, the Wistar Institute gifted the two ancestral human remains to the Penn Museum (PM# 87–30–129, 87–30–143).

The eight individuals range in age from adolescence to adulthood and are represented by cranial and postcranial bone elements. Both males and females are represented, with one sex being ambiguous. No known individuals were identified. There is no known presence of any potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The Penn Museum has determined that:

• The human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.

• There is a connection between the human remains described in this notice and the Native Village of Barrow Inupiat Traditional Government.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, the Penn Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Penn Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11923 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040434; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) intends to repatriate certain cultural items that meet the definition of sacred objects and/or objects of cultural patrimony that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 28, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Deanna Byrd, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, email *pmnagpra@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The eight sacred objects/objects of cultural patrimony are one club, one salmon bag, one lot of stone points and debitage, three baskets, one spoon, and one lot of masks. The baskets, bag, spoon, and masks were collected prior to 1903 by Dr. Hobart Farlow in and around Pierce County, Washington. The club, stone points, and debitage were collected by Grace Nicholson, James Eddy Mauran, and Dr. Hartman in and around Pierce County, Washington.

Determinations

The PMAE has determined that:

- The eight sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a reasonable connection between the cultural items described in this notice and the Puyallup Tribe of the Puyallup Reservation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11939 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040447; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion Amendment: San José State University, San José, CA

AGENCY: National Park Service, Interior.

ACTION: Notice; amendment.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), San José State University has amended a notice of inventory completion published in the **Federal Register** on January 3, 2024. This notice amends the Indian Tribes listed in the original notice.

DATES: Repatriation of the human remains and associated funerary objects may occur on or after July 28, 2025.

ADDRESSES: Send written requests for repatriation of the cultural items in this notice to Alisha Marie Ragland, San José State University, One Washington Square, San Jose, CA 95192, email *alisha.ragland@sjsu.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of San José State University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Amendment

This notice amends the list of Indian Tribes published in a notice of inventory completion in the **Federal Register** (89 FR 393, January 3, 2024). Repatriation of the human remains and associated funerary objects in the original notice of inventory completion has not occurred.

Determinations

San Jose State University has determined that:

- The human remains and associated funerary objects described in the original notice were removed from the aboriginal land of the Big Sandy Rancheria of Western Mono Indians of California; Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians;

Picayune Rancheria of Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria; and the Tule River Indian Tribe of the Tule River Reservation, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in the original notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in the original notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, San José State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. San José State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11934 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040430; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Colorado Denver, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), University of Colorado Denver (CU Denver) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Christopher S. Beekman, CU Denver, Campus Box 103, P.O. Box 173364, Denver, CO 80217–3364, email *Christopher.beekman@ucdenver.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of CU Denver, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, four individuals have been identified. No associated funerary objects are present. The collection consists of 40 bones representing at least four individuals. More than half of these are cranial bones. The origin of the collection is unknown apart from a note stating that it probably came from Eastern Colorado. We have not noted any hazardous material used to treat the bones.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains described in this notice.

Determinations

CU Denver has determined that:

- The human remains described in this notice represent the physical remains of at least four individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; Eastern Shoshone Tribe of the Wind River Reservation, Wyoming; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Jicarilla Apache Nation, New Mexico; Navajo Nation, Arizona, New Mexico, & Utah; Northern Arapaho Tribe of the Wind River Reservation, Wyoming; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Shoshone-Bannock Tribes of the Fort Hall Reservation; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; The Osage Nation; and the Ute Mountain Ute Tribe.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, CU Denver must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. CU Denver is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11930 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040440; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: U.S. Department of the Interior, Bureau of Indian Affairs, Branch of Cultural Resources Management, Washington, DC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Indian Affairs intends to repatriate certain cultural items that meet the definition of sacred objects and that have a known lineal descendant.

DATES: Repatriation of the cultural items in this notice may occur on or after July 28, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Tamara Billie, Bureau of Indian Affairs, Branch of Cultural Resources Management, 1001 Indian School Road NW, Mailbox 44, Albuquerque, NM 87104, email *tamara.billie@bia.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Bureau of Indian Affairs, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of five cultural items have been requested for repatriation. The five sacred objects are three lots of ceramic material and two lots of lithic material are ceramic sherds and lithic flakes. Site LA833 is part of a large Pueblo I–II (A.D. 850–1150) community complex with scattered house units surrounding a great kiva, located within Santa Fe County on Pueblo of Pojoaque land. Archaeological investigations in 1953 and 1959 concluded, and material culture indicates, continuous cultural occupation. Based on material culture, continuity of occupation, and oral history presented by representatives of the Pueblo of Pojoaque, site LA 833 is affiliated with the present-day Pueblo of Pojoaque. Pojoaque cultural members have indicated in consultations that they hold all items used, made, or produced by their ancestors as sacred objects. There are no known hazardous substances used to treat any of these objects.

A total of 190 cultural items have been requested for repatriation. The 190 sacred objects are 14 lots of ground stone, 74 lots of lithics, 29 lots of ceramic/sherds, one lot of historic objects, three lots of unworked stone, 10 lots ceramic/vessels, 20 lots of ornamentals, eight lots of pipes, one lot of mineral, one lot of botanical, two lots of fauna, two lots of cloud blowers, three lots of ceramic objects, seven lots of organic, five lots of worked ceramic/sherds, six lots of worked stone, one lot of worked shell, one lot of unworked shell, one lot of temper, and one lot of medicine stone. The objects of cultural patrimony are represented by all these artifact types listed and include lithic flakes and tools, pottery sherds and partial vessels, manos and metate fragments, animal bone, both worked and unmodified, beads and ornamental objects, botanical materials and soil or pollen, and historic objects. Site LA835 is a Pueblo I–II (A.D. 850–1150) site that consists of a community complex with scattered house units and a great kiva located within Santa Fe County on the Pueblo of Pojoaque land. Excavations at LA 835 by a New Mexico State Highway and Transportation Department project exposed three room blocks, 10 kivas, and a great kiva. Exploratory and test trenches were dug around the three excavated units to determine the full extent of the site and to collect archaeological material to date the site. The material culture collected indicates continuous cultural occupation. Based on material culture, continuity of occupation, and oral history presented by representatives of the Pueblo of Pojoaque, site LA 835 is affiliated with the present-day Pueblo of Pojoaque. Pojoaque cultural members have indicated in consultation that they hold all items used, made, or produced by their ancestors as sacred objects. There are no known hazardous substances used to treat any of these objects.

Determinations

The Bureau of Indian Affairs has determined that:

- The 195 sacred objects described in this notice are specific objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural items described in this notice and the Pueblo of Pojoaque, New Mexico.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, the Bureau of Indian Affairs must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Bureau of Indian Affairs is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11946 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040428; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sam Noble Oklahoma Museum of Natural History (SNOMNH), has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Zachary Garrett, NAGPRA

Program Coordinator, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, email *zacgarrett@ou.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of SNOMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 216 individuals have been identified. The 258 associated funerary objects are 54 lots of stone projectile points, 51 lots of pottery sherds, eight lots of manos, 53 lots of faunal remains, three lots of faunal beads, 16 lots of stone bifaces, five lots of faunal pins, nine lots of groundstone, four lots of stone axes, four lots of hematite, six lots of worked animal bone, four lots of paintstone, three lots of modified stone, two lots of bone awls, one lot of groundstone ornaments, one lot of metates, five lots of boatstones, one lot of ceramic pipes, four lots of worked shell, two lots of stone celts, four lots of shell beads, one lot of dog burials, two lots of stone hoes, five lots of shell, one lot of stone drills, three lots of unmodified stone, one lot of charred botanical material, one lot of hair pins, one lot of hammerstone, two lots of shell gorgets, and one lot of bear tooth beads.

These individuals and associated funerary objects were removed from 34Lf38, the W.O. Brewer site in LeFlore County, Oklahoma, by members of the Works Progress Administration in 1941. They were then transferred to SNOMNH, where they have remained since. This site was occupied during the Fourche Maline phase (A.D. 300–800). Cultural affiliation between these human remains and associated funerary objects, and the Indian Tribes listed in this notice was established via tribal consultation and archaeological information. To our knowledge, no potentially hazardous substances were used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

SNOMNH has determined that:

- The human remains described in this notice represent the physical remains of 216 individuals of Native American ancestry.
- The 258 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Caddo Nation of Oklahoma and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 28, 2025. If competing requests for repatriation are received, SNOMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. SNOMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 17, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11929 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040442; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Pennsylvania Museum of Archaeology and Anthropology (Penn Museum) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Christopher Woods, Williams Director, University of Pennsylvania Museum of Archaeology and Anthropology, 3260 South Street, Philadelphia, PA 19104–6324, email *director@pennmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Penn Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least nine individuals have been identified. All the individuals are adults. Of the nine individuals, seven are identified as female, and two as male. No known individuals have been identified. The 37 associated funerary objects consist of a needle case, harpoon heads and shafts, ceramic sherds, beads, ulu and knife blades, an ice pick, tray fragments, a handle, scraper, bowls, an arrowhead, arrow shaft fragments, tubes, a fire drill, and a polar bear fur wrapping. The materials the items are made of include ivory, wood, baleen, slate, ceramic, and animal bone.

The human remains and associated funerary objects were excavated from Nunavak, near north Nunavak Lagoon (Nunavak Bay) between June 4 and August 29, 1929, by Alfred Henry Hopson, a longtime resident of Barrow, as part of a Penn Museum Expedition. They were accessioned in the same year (PM Accession 29–80). The collection dates to the Birnirk Period (ca. 650–1300 CE).

There is no known presence of any potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The Penn Museum has determined that:

- The human remains described in this notice represent the physical remains of nine individuals of Native American ancestry.
- The 37 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Native Village of Barrow Inupiat Traditional Government.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 28, 2025.If competing requests for repatriation are received, the Penn Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Penn Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 17, 2025

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–11938 Filed 6–26–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2025–0019]

Notice of Availability of the Proposed Notice of Sale for Gulf of America Outer Continental Shelf Oil and Gas Lease Sale 262

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) announces the availability of the Proposed Notice of Sale (NOS) for the proposed Gulf of America (GOA) Outer Continental Shelf (OCS) Oil and Gas Lease Sale 262 (GOA Lease Sale 262). BOEM is publishing this notice pursuant to its regulatory authority. Pursuant to Section 19 of the OCS Lands Act, the Secretary of the Interior provides the Governors of affected States and the executive of any affected local government the opportunity to review and comment on the Proposed NOS. The Proposed NOS describes the proposed size, timing, and location of the sale, including lease stipulations, terms and conditions, minimum bids, royalty rates, and rental rates.

DATES: Comments received from the Governors and the executive of any affected local government on the size, timing, and location of GOA Lease Sale 262 must be submitted to BOEM no later than August 26, 2025. BOEM will publish the Final NOS in the **Federal Register** at least 30 days prior to the date of bid opening. Bid opening is currently scheduled for December 10, 2025.

ADDRESSES: The Proposed NOS for GOA Lease Sale 262 and Proposed NOS Package containing information essential to potential bidders may be obtained from the Gulf of America Region Public Affairs Office, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana, 70123–2394; telephone: (504) 736–2519. The Proposed NOS and Proposed NOS Package are available for downloading or viewing on BOEM's website at *http://www.boem.gov/Sale-262/.*

FOR FURTHER INFORMATION CONTACT: Bridgette Duplantis, Section Supervisor, Leasing and Financial Responsibility, Office of Leasing and Plans, 504–736–7502, *bridgette.duplantis@boem.gov* or Ben Burnett, Division Manager, Leasing Policy and Management Division, Office of Strategic Resources, 703–787–1782, *benjamin.burnett@boem.gov.*

Authority: This notice of sale is published pursuant to 43 U.S.C. 1331 *et seq.* (Outer Continental Shelf Lands Act, as amended) and 30 CFR 556.304(c).

Matthew Giacona,

Principal Deputy Director, Bureau of Ocean Energy Management.

[FR Doc. 2025–11924 Filed 6–26–25; 8:45 am]

BILLING CODE 4310–MR–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meetings

TIME AND DATE: 2:00pm, Thursday, June 26, 2025

PLACE: 1255 Union Street NE, Suite 500, Washington, DC 20002

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Regular Board of Directors meeting.

The General Counsel of the Corporation has certified that in her opinion, one or more of the exemptions set forth in the Government in the Sunshine Act, 5 U.S.C. 552b(c)(2) permit closure of the following portion(s) of this meeting:

- **Executive (Closed) Session**

Agenda

I. Call to Order
II. Action Item: Election of Acting Comptroller Rodney Hood as Temporary Board Chair
III. Action Item: Sunshine Act Approval of Notice to proceed without one-week notice
IV. Action Item: Sunshine Act Approval of Executive (Closed) Session
V. Executive Session: CEO Report
VI. Executive Session: CFO Report
VII. Executive Session: General Counsel Report
VIII. Executive Session: CIO Report
IX. Action Item: Approval of Meeting Minutes for March 25 Audit

Committee Meeting; April 14 Special Board Meeting; April 15 Regular Board Meeting
X. Action Item: Resolutions of Recognition of Service for former Board Members NCUA Board Member Otsuka, FRB Governor Cook, and OCC Senior Deputy Comptroller Gardineer
XI. Action Item: Grants to Capital Corporations
XII. Discussion Item: Annual Ethics Review
XIII. Discussion Item: Governance Operations Guide Annual Review
XIV. Discussion Item: Election of Board Chair and Board Vice Chair
XV. Discussion Item: Appointment of Audit Committee Members
XVI. Discussion Item: Capital Corporations Master Investment Agreement
XVII. Discussion Item: Support from CapitalOne for NWCompass and Professional Learning & Event Management Solution (PLEMS)
XVIII. Discussion Item: Management Program Background and Updates
a. 2025 Board Calendar
b. 2025 Board Agenda Planner
c. CFO Report
i. Financials (through 3/31/25)
ii. Single Invoice Approvals $100K and over
iii. Vendor Payments $350K and over
iv. Exceptions
d. Programs Dashboard
e. Housing Stability Counseling Program (HSCP)
f. Strategic Plan Scorecard—FY25 Q2

PORTIONS OPEN TO THE PUBLIC: Everything except the Executive (Closed) Session

PORTIONS CLOSED TO THE PUBLIC: Executive (Closed) Session

CONTACT PERSON FOR MORE INFORMATION: Jenna Sylvester, Paralegal, (202) 568–2560; *jsylvester@nw.org.*

Jenna Sylvester,

Paralegal.

[FR Doc. 2025–11988 Filed 6–25–25; 4:15 pm]

BILLING CODE 7570–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–275 and 50–323; NRC–2023–0192]

Pacific Gas and Electric Company; Diablo Canyon Nuclear Power Plant, Units 1 and 2; Final Supplemental Environmental Impact Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has published Supplement 62 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, NUREG–1437, regarding the renewal of Facility Operating License Nos. DPR–80 and DPR–82 for an additional 20 years of operation for Diablo Canyon Nuclear Power Plant, Units 1 and 2 (Diablo Canyon). Diablo Canyon is located in Avila Beach, California, approximately 12 miles west-southwest of San Luis Obispo, California. Possible alternatives to the proposed action of license renewal for Diablo Canyon were evaluated and included the no-action alternative and replacement power alternatives.

DATES: NUREG–1437, Supplement 62 is available as of June 20, 2025.

ADDRESSES: Please refer to Docket ID NRC–2023–0192 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2023–0192. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* NUREG–1437, Supplement 62 is available in ADAMS under Accession No. ML25156A357.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.
- *Public Library:* A copy of NUREG–1437, Supplement 62 will be available for public review at the San Luis Obispo Library, 995 Palm St., San Luis Obispo, CA 93401.

FOR FURTHER INFORMATION CONTACT: Kim Conway, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1335; email: *Kimberly.Conway@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 51.118 of title 10 of the *Code of Federal Regulations,* ''Final environmental impact statement—notice of availability,'' the NRC is making available to the public NUREG–1437, Supplement 62. A Notice of Availability of the draft of NUREG–1437, Supplement 62 was published in the **Federal Register** on November 1, 2024 (89 FR 87433). The U.S. Environmental Protection Agency issued its Notice of Availability on November 1, 2024 (89 FR 87366). The public comment period on the draft of NUREG–1437, Supplement 62 ended on December 16, 2024, and the comments received are addressed in NUREG–1437, Supplement 62.

II. Discussion

The draft of NUREG–1437, Supplement 62 was issued for public comment on November 1, 2024. NUREG–1437, Supplement 62 addresses the comments received. As discussed in Chapter 4 of NUREG–1437, Supplement 62, the NRC staff has determined that the adverse environmental impacts of license renewal for Diablo Canyon (*i.e.,* the continued operation of Diablo Canyon for a period of 20 years beyond the expiration dates of the current operating licenses) are not so great that preserving the option of license renewal for energy-planning decision-makers would be unreasonable. This recommendation is based on: (1) information in the environmental report, as supplemented, and other documents submitted by Pacific Gas and Electric Company; (2) consultation with Federal, State, Tribal, and local governmental agencies; (3) the NRC staff's independent environmental review; and (4) the NRC staff's consideration of public comments received during the scoping process and on the draft of NUREG–1437, Supplement 62.

Dated: June 24, 2025.

For the Nuclear Regulatory Commission.

Kimyata Morgan-Butler,

Acting Deputy Director, Division of Rulemaking, Environmental, and Financial Support,Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2025–11893 Filed 6–26–25; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of June 30, July 7, 14, 21, 28, and August 4, 2025. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Betty.Thweatt@nrc.gov* or *Samantha.Miklaszewski@nrc.gov.*

MATTERS TO BE CONSIDERED:

Week of June 30, 2025

There are no meetings scheduled for the week of June 30, 2025.

Week of July 7, 2025—Tentative

There are no meetings scheduled for the week of July 7, 2025.

Week of July 14, 2025—Tentative

There are no meetings scheduled for the week of July 14, 2025.

Week of July 21, 2025—Tentative

There are no meetings scheduled for the week of July 21, 2025.

Week of July 28, 2025—Tentative

There are no meetings scheduled for the week of July 28, 2025.

Week of August 4, 2025—Tentative

There are no meetings scheduled for the week of August 4, 2025.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Chris Markley at 301–415–6293 or via email at *Christopher.Markley@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: June 25, 2025.

For the Nuclear Regulatory Commission.

Christopher Markley,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2025–11903 Filed 6–25–25; 11:15 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–688; K2025–398; K2025–484; K2025–623; MC2025–1535 and K2025–1529; MC2025–1536 and K2025–1530; MC2025–1538 and K2025–1532]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 1, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* CP2024–688; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

Express, Priority Mail & USPS Ground Advantage Contract 336, with Materials Filed Under Seal; *Filing Acceptance Date:* June 23, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Evan Wise; *Comments Due:* July 1, 2025.

2. *Docket No(s).:* K2025–398; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 720, with Materials Filed Under Seal; *Filing Acceptance Date:* June 23, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Kenneth Moeller; *Comments Due:* July 1, 2025.

3. *Docket No(s).:* K2025–484; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 784, with Materials Filed Under Seal; *Filing Acceptance Date:* June 23, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Kenneth Moeller; *Comments Due:* July 1, 2025.

4. *Docket No(s).:* K2025–623; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 898, with Materials Filed Under Seal; *Filing Acceptance Date:* June 23, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Elsie Lee-Robbins; *Comments Due:* July 1, 2025.

5. *Docket No(s).:* MC2025–1535 and K2025–1529; *Filing Title:* USPS Request to Add Priority Mail Contract 894 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 23, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* July 1, 2025.

6. *Docket No(s).:* MC2025–1536 and K2025–1530; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 788 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 23, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Gregory Stanton; *Comments Due:* July 1, 2025.

7. *Docket No(s).:* MC2025–1538 and K2025–1532; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 789 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 23, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* July 1, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2025–11856 Filed 6–26–25; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103306; File No. SR–CboeBZX–2025–080]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 4.10 of the Exchange's Compliance Rule To Be Consistent With the Exemptive Relief Granted by the Commission From Certain Provisions Related to Timestamp Granularity

June 24, 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 18, 2025, Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') proposes to amend Rule 4.10 of the Exchange's compliance rule (''CAT Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'') [3] to be consistent with the exemptive relief granted by the Securities and Exchange Commission (the ''Commission'') from certain provisions of the CAT NMS Plan related to timestamp granularity (''2025 Timestamp Granularity Exemption'').[4] Specifically, the Exchange proposes to update the expiration date of the exemption in Rule 4.10(a)(2) from April 8, 2025 to April 8, 2030. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 4.10 of the CAT Compliance Rule to be consistent with the 2025 Timestamp Granularity Exemption. Under the 2025 Timestamp Granularity Exemption, the Commission extended the existing exemptive relief pursuant to which Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, from April 8, 2025 to April 8, 2030. Accordingly, the Exchange proposes to update the expiration date of the exemption in Rule 4.10(a)(2) from April 8, 2025 to April 8, 2030.

On February 3, 2020, the Participants filed with the Commission a request for exemptive relief from the requirement in Section 6.8(b) of the CAT NMS Plan for each Participant, through its CAT Compliance Rule, to require that, to the extent that its Industry Members utilize timestamps in increments finer than nanoseconds in their order handling or execution systems, such Industry Members utilize such finer increment when reporting CAT Data to the Central

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule. *See* Chapter IV, Rules 4.5–4.17 of the Exchange's Rulebook.

[4] Securities Exchange Act Rel. No. 102980 (May 2, 2025), 90 FR 19334 (May 7, 2025).

Repository.[5] On April 8, 2020, the Participants received the requested exemptive relief.[6] As a condition to this exemption, the Participants, through their CAT Compliance Rules, required Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The exemption was to remain in effect for five years, until April 8, 2025.

In 2020, the Exchange amended paragraph (a)(2) of Rule 4.10 to reflect this exemptive relief.[7] Specifically, the Exchange amended Rule 4.10(a)(2) to state the following.

Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2025.

The language of Rule 4.10(a)(2) has not been changed since that time.

The exemption granted in 2020, however would no longer be in effect after April 8, 2025, unless the period the exemption is in effect is extended by the Commission. Accordingly, on March 24, 2025, the Participants filed with the Commission a request to extend the existing exemptive relief for another five years, until April 8, 2030.[8] On May 2, 2025, the Participants received the requested exemptive relief from the Commission via the 2025 Timestamp Granularity Exemption. As a condition to this exemption, the Participants, through their CAT Compliance Rules, are required to require Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The Commission granted the 2025 Timestamp Granularity Exemption for a period of five years, until April 8, 2030.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect the extended period set forth in the 2025 Timestamp Granularity Exemption, replacing the reference to April 8, 2025 with April 8, 2030. Specifically, the Exchange proposes to amend paragraph (a)(2) of Rule 4.10 to state:

Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2030.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that this proposal is consistent with the Act because it is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the Commission noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [12] To the extent that this proposal implements the Plan, including the exemptive relief related thereto, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the Commission, and is therefore consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section

[5] *See* Letter to Vanessa Countryman, Secretary, Commission, from Michael Simon, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Granularity of Timestamps and Relationship Identifiers (Feb. 3, 2020).

[6] *See* Securities Exchange Act Release No. 88608 (April 8, 2020), 85 FR 20743 (April 14, 2020).

[7] *See* Securities Exchange Act Release No. 89134 (June 23, 2020), 85 FR 39021 (June 29, 2020) (SR–CboeBZX–2020–052).

[8] *See* Letter to Vanessa Countryman, Secretary, Commission, from Brandon Becker, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Timestamp Granularity (Mar. 24, 2025).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

[12] *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6)[14] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6)[16] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange's CAT Compliance Rule to reflect the expiration date for exemptive relief relating to timestamp granularity approved by the Commission on May 2, 2025, and the proposal does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBZX–2025–080 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBZX–2025–080. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBZX–2025–080 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary

[FR Doc. 2025–11875 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103307; File No. SR–CboeBZX–2025–077]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend the Rule Governing the Invesco Galaxy Ethereum ETF To Permit Staking

June 24, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 9, 2025, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change to amend the Invesco Galaxy Ethereum ETF to permit staking. On June 23, 2025, the Exchange filed Amendment No. 1 to the proposed changes, which replaced and superseded the original filing in its entirety. The proposed rule change, as modified by Amendment No. 1, is described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change, as Modified by Amendment No. 1

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposed rule change to amend the rule governing the Invesco Galaxy Ethereum ETF (the ''Trust''), shares (the ''Shares'') of which have been approved by the Commission to list and trade on the Exchange pursuant to BZX Rule 14.11(e)(4), to permit staking of ether held by the Trust.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

equities/regulation/rule_filings/bzx/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

This Amendment No. 1 to SR–CboeBZX–2025–077 amends and replaces in its entirety the proposal as originally submitted on June 9, 2025. The Exchange submits this Amendment No. 1 in order to clarify certain points and add additional details to the proposal.

The Commission approved the Exchange's proposal to list and trade shares (the ''Shares'') of the Trust on the Exchange pursuant to Exchange Rule 14.11(e)(4), Commodity-Based Trust Shares, on May 23, 2024.[3] Exchange Rule 14.11(e)(4) governs the listing and trading of Commodity-Based Trust Shares, which means a security (a) that is issued by a trust that holds (1) a specified commodity deposited with the trust, or (2) a specified commodity and, in addition to such specified commodity, cash; (b) that is issued by such trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity and/or cash; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder's request by such trust which will deliver to the redeeming holder the quantity of the underlying commodity and/or cash. The Shares are issued by the Trust, which was formed as a Delaware statutory trust on September 27, 2023.

Based on discussions with the Sponsor, the Exchange proposes to amend several portions of the Eth ETP Amendment No. 1, as amended, in order to allow the staking of ether held by the Trust.[4] First, the Exchange proposes to delete the following representation in the Eth ETP Amendment No. 1 that provides that the Fund will not engage in staking: [5]

> Neither the Trust, nor the Sponsor, nor the Custodian, nor any other person associated with the Trust will, directly or indirectly, engage in action where any portion of the Trust's ETH becomes subject to the Ethereum proof-of-stake validation or is used to earn additional ETH or generate income or other earnings.

The Exchange also proposes to revise the rules governing the listing and trading of shares by adding the following representations. In particular, the Exchange proposes to adopt the below ''Staking'' section following the ''The ETH Custodian'' section [6] and before the ''Creation and Redemption of Shares'' section of the Eth ETP Amendment No. 1:

Staking

The Sponsor may stake, or cause to be staked, all or a portion of the Trust's ether through one or more trusted staking providers (''Staking Providers''). In consideration for any staking activity in which the Trust may engage, the Trust would receive all or a portion of the staking rewards generated by the Staking Provider, which may be treated as income to the Trust.

The Staking Process

On September 15, 2022, the Ethereum network upgraded from proof-of-work to a proof-of-stake consensus mechanism in a transition commonly referred to as ''the Merge''. Proof-of-stake was intended to address the perceived shortcomings of the proof-of-work related to energy usage and duplicative computational effort expended by network contributors (known under proof-of-work as ''miners'' and under proof-of-stake as ''validators''). In a proof-of-work mechanism, miners compete to be the first to solve the cryptographic puzzle. The winner then becomes the only miner permitted to process the block and, in turn, the one to receive the respective rewards. Miners who are not first in time (and thus are not permitted to process the next block) will have effectively expended significant labor and computing power for no gain. Under a proof-of-stake mechanism, several validators can be involved in the processing of a block. One validator may be selected to propose a block while other validators verify the content of that block. The corresponding rewards vary per role performed. Additionally, validators do not compete based on computational power like miners do. Instead, the amount of capital each validator has committed, in the form of the blockchain's native currency, is what contributes to the selection. This proof-of-stake system reduces the computational work performed—and energy expended—to validate each block compared to proof-of-work.

Under proof-of-stake, validators staking a minimum of 32 ether are randomly selected by an Ethereum Network algorithm to process transactions. Entities running multiple validator nodes will therefore experience an increased likelihood of any one of their validators being selected based on their share of validators compared to the total active validators on the network. Any malicious activity, such as double signing, disagreeing with the eventual consensus or otherwise violating protocol rules, results in the forfeiture or ''slashing'' of a portion of the staked ether.

To operate a node on the Ethereum blockchain, a validator must acquire and lock at least 32 ether by sending a deposit transaction to the staking contract. This transaction associates the staked ether with a withdrawal address (to unlock the ether and receive any staking rewards) and a validator address (to designate the validator node performing transaction verification).

Staking by the Sponsor on Behalf of the Trust

The Sponsor may stake, or cause to be staked, all or a portion of the Trust's ether on behalf of the Trust through one or more Staking Providers. The Sponsor expects to maintain sufficient liquidity in the Trust to satisfy redemptions and current liabilities. Any ether staked by the Sponsor on behalf of the Trust will consist exclusively of ether owned by the Trust. The Sponsor's staking activities on behalf of the Trust will not constitute activities that the SEC has alleged to involve securities offerings in violation of Section 5 of the Securities Act of 1933 (the ''Securities Act'').[7]

[3] *See* Securities Exchange Act Release Nos. 100219 (May 22, 2024) 89 FR 46543 (May 29, 2024) (SR–CboeBZX–2023–087) (Notice of Filing of Amendment No. 1 to a Proposed Rule Change To List and Trade Shares of the Invesco Galaxy Ethereum ETF Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares) (the ''Eth ETP Amendment No. 1); 100224 (May 23, 2024) 89 FR 46937 (May 30, 2024) (SR–CboeBZX–2023–087) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to List and Trade Shares of Ether-Based Exchange-Traded Products) (the ''ETH ETP Approval Order'').

[4] The Exchange has also filed a separate proposed rule change to amend portions of the Eth ETP Amendment No. 1 in order to allow for in-kind creation and redemptions. *See* Securities Exchange Act Release No. 102645 (March 10, 2025) 90 FR 12602 (March 18, 2025) (SR–CboeBZX–2025–035).

[5] *See* Eth ETP Amendment No. 1 at 46550.

[6] *See* Eth ETP Amendment No. 1 at 46551.

[7] *See SEC* v. *Payward Ventures, Inc. and Payward Trading, Ltd.,* (Complaint filed February 9, 2023) available at *https://www.sec.gov/files/litigation/complaints/2023/comp-pr2023-25.pdf.* (In February 2023, the SEC charged and entered into a settlement order with Payward Ventures, Inc. and Payward Trading Ltd., both commonly known as Kraken, regarding Kraken's alleged failure to register the offer and sale of their crypto asset staking as a service program, whereby investors transfer crypto assets to Kraken for staking in exchange for advertised annual investment returns of as much as 21 percent. According to the SEC's complaint, since 2019, Kraken has offered and sold its crypto asset ''staking services'' to the general public, whereby Kraken pools certain crypto assets transferred by investors and stakes them on behalf of those investors. According to the SEC, investors would lock up—or ''stake''—their crypto tokens with Kraken with the goal of being rewarded with new

Continued

First, the Sponsor will only stake, or cause to be staked, ether held by the Trust. The Sponsor will not seek to pool ether held by the Trust with ether held by other entities in order to stake its assets in a node. Second, the Sponsor will not advertise itself as providing any staking services generally, or promise or promote any specific level of return from staking, or solicit delegated stakes from entities other than the Trust. Third, the Sponsor will stake, or cause to be staked, the Trust's ether solely in order to preserve the assets of the Trust by contributing to the security of the network and to generate returns for the Trust's shareholders.

Staking by the Sponsor will not result in ether held by the Trust moving out of the control of the Custodian. The staking contract can only release ether, either remaining principal or rewards, to the withdrawal address specified when the validator is created. The private keys associated with this withdrawal address are controlled by the Custodian. Additionally, the Sponsor will engage with Staking Provider(s) to execute software and hardware necessary for a live validator to perform its duties. Even if the validators are unable to perform these duties due to complete failure or disruption of the hardware, the Custodian is able to retrieve ether from the associated validators.

Except for the above changes, all other representations in the Eth ETP Amendment No. 1, as amended, remain unchanged and will continue to constitute continuing listing requirements. In addition, the Trust will continue to comply with the terms of the ETH ETP Amendment No. 1, as amended, and the requirements of Rule 14.11(e)(4).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes the proposed rule change is designed to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest because it would allow the Trust to stake its ether on behalf of its investors. The Ethereum network allows for staking of its native asset, ether, and permits validators who successfully stake ether to receive block rewards. The net beneficiaries are not only validators, or those on behalf of whom they stake ether, but also the Ethereum blockchain itself which grows and is progressively made more secure through the validation of transactions. Staking permits validators to contribute to network security and functionality. Validators are compensated for fulfilling this important role through block rewards.

Allowing the Trust to stake its ether would benefit investors and help the Trust to better track the returns associated with holding ether. This would improve the creation and redemption process for both authorized participants and the Trust, increase efficiency, and ultimately benefit the end investors in the Trust.

Except for the addition of staking of the Trust's ether and the changes discussed herein, all other representations made in the Eth ETP Amendment No. 1, as amended, remain unchanged and will continue to constitute continuing listing requirements for the Trust.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. As noted above, the proposed amendment is intended to benefit investors and allow the Trust to better track the returns associated with holding ether. The Exchange believes these changes will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change, as Modified by Amendment No. 1, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–CboeBZX–2025–077 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.

tokens when their staked crypto tokens become part of the process for validating data for the blockchain. The complaint alleged that Kraken touted that its staking investment program offered an easy-to-use platform and benefits that derived from Kraken's efforts on behalf of investors, including Kraken's strategies to obtain regular investment returns and payouts.) *See also SEC* v. *Binance Holdings Limited, et al.,* (Complaint filed June 5, 2023) available at *https://www.sec.gov/files/litigation/complaints/2023/comp-pr2023-101.pdf*. (On June 5, 2023, the SEC filed a complaint charging Binance Holdings Ltd. and certain of its affiliates with a variety of securities law violations, including operating a ''staking as a service'' program. The SEC's complaint alleges, among other things, that BAM Trading violated Sections 5(a) and 5(c) of the Securities Act by offering and selling its staking program without a registration statement, and that BAM Trading's Staking Program was promoted ''as a superior and much easier way to obtain staking rewards by, among other things, pooling the crypto assets of a large number of investors.'') *See also SEC* v. *Coinbase, Inc. and Coinbase Global* (Complaint filed June 6, 2023) available at *https://www.sec.gov/files/litigation/complaints/2023/comp-pr2023-102.pdf*. (On June 6, 2023, the SEC filed a complaint against Coinbase, Inc. and Coinbase Global in federal district court in the Southern District of New York, alleging, inter alia that Coinbase Inc. violated the Securities Act by failing to register with the SEC the offer and sale of its staking program. The SEC's complaint alleges that through the Coinbase staking program, investors' crypto assets are transferred to and pooled by Coinbase (segregated by asset), and subsequently ''staked'' (or committed) by Coinbase in exchange for rewards, which Coinbase distributes pro rata to investors after paying itself a 25–35% commission. The SEC also alleges that investors understand that Coinbase will expend efforts and leverage its experience and expertise to generate returns. On February 27, 2025, the SEC filed to dismiss its lawsuit.)

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

All submissions should refer to file number SR–CboeBZX–2025–077. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBZX–2025–077 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11876 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0528]

Submission for OMB Review; Comment Request; Extension: Rule 237

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (SEC or ''Commission'') has submitted to the Office of Management and Budget a request for extension and approval of the collection of information discussed below.

In Canada, as in the United States, individuals can invest a portion of their earnings in tax-deferred retirement savings accounts (''Canadian retirement accounts''). These accounts, which operate in a manner similar to individual retirement accounts in the United States, encourage retirement savings by permitting savings on a tax-deferred basis. Individuals who establish Canadian retirement accounts while living and working in Canada and who later move to the United States (''Canadian-U.S. Participants'' or ''participants'') often continue to hold their retirement assets in their Canadian retirement accounts rather than prematurely withdrawing (or ''cashing out'') those assets, which would result in immediate taxation in Canada.

Once in the United States, however, these participants historically have been unable to manage their Canadian retirement account investments. Most securities that are ''qualified investments'' for Canadian retirement accounts are not registered under the U.S. securities laws. Those securities, therefore, generally cannot be publicly offered and sold in the United States without violating the registration requirement of the Securities Act of 1933 (''Securities Act'').[1] As a result of this registration requirement, Canadian-U.S. Participants previously were not able to purchase or exchange securities for their Canadian retirement accounts as needed to meet their changing investment goals or income needs.

The Commission issued a rulemaking in 2000 that enabled Canadian-U.S. Participants to manage the assets in their Canadian retirement accounts by providing relief from the U.S. registration requirements for offers of securities of foreign issuers to Canadian-U.S. Participants and sales to Canadian retirement accounts.[2] Rule 237 under the Securities Act[3] permits securities of foreign issuers, including securities of foreign funds, to be offered to Canadian-U.S. Participants and sold to their Canadian retirement accounts without being registered under the Securities Act.

Rule 237 requires written offering documents for securities offered and sold in reliance on the rule to disclose prominently that the securities are not registered with the Commission and are exempt from registration under the U.S. securities laws. The burden under the rule associated with adding this disclosure to written offering documents is minimal and is non-recurring. The foreign issuer, underwriter, or broker-dealer can redraft an existing prospectus or other written offering material to add this disclosure statement, or may draft a sticker or supplement containing this disclosure to be added to existing offering materials. In either case, based on discussions with representatives of the Canadian fund industry, the staff estimates that it would take an average of 10 minutes per document to draft the requisite disclosure statement.

The Commission understands that there are approximately 2,272 Canadian issuers other than funds that may rely on rule 237 to make an initial public offering of their securities to Canadian-U.S. Participants.[4] The staff estimates that in any given year approximately 23 (or 1 percent) of those issuers are likely to rely on rule 237 to make a public offering of their securities to participants, and that each of those 23 issuers, on average, distributes 3 different written offering documents concerning those securities, for a total of 69 offering documents.

The staff therefore estimates that during each year that rule 237 is in effect, approximately 23 respondents[5] would be required to make 69 responses by adding the new disclosure statements to approximately 69 written offering documents. Thus, the staff estimates that the total annual burden associated with the rule 237 disclosure requirement would be approximately 12 hours (69 offering documents × 10 minutes per document). The total annual cost of internal burden hours is

[1] 15 U.S.C. 77; in addition, the offering and selling of securities of investment companies (''funds'') that are not registered pursuant to the Investment Company Act of 1940 (''Investment Company Act'') is generally prohibited by U.S. securities laws. 15 U.S.C. 80a.

[2] *See* Offer and Sale of Securities to Canadian Tax-Deferred Retirement Savings Accounts, Release Nos. 33–7860, 34–42905, IC–24491 (June 7, 2000) [65 FR 37672 (June 15, 2000)]; this rulemaking also included new rule 7d–2 under the Investment Company Act, permitting foreign funds to offer securities to Canadian-U.S. Participants and sell securities to Canadian retirement accounts without registering as investment companies under the Investment Company Act. 17 CFR 270.7d–2.

[3] 17 CFR 230.237.

[4] This estimate is based on the following calculation: 3,431 total issuers – (63 closed-end funds + 1,096 exchange-traded products) = 2,272 total equity and bond issuers; *see* The MiG Report, Toronto Stock Exchange and TSX Venture Exchange (February 2025) (providing number of issuers on the Toronto Exchange); this calculation excludes Canadian funds to avoid double-counting disclosure burdens under rule 237 and rule 7d–2.

[5] This estimate of respondents only includes foreign issuers; the number of respondents would be greater if foreign underwriters or broker-dealers draft stickers or supplements to add the required disclosure to existing offering documents.

estimated to be $6,132 (12 hours × $511 per hour of attorney time).[6]

In addition, issuers from foreign countries other than Canada could rely on rule 237 to offer securities to Canadian-U.S. Participants and sell securities to their accounts without becoming subject to the registration requirements of the Securities Act. However, the staff believes that the number of issuers from other countries that rely on rule 237, and that therefore are required to comply with the offering document disclosure requirements, is negligible.

These burden hour estimates are based upon the Commission staff's experience and discussions with the fund industry. The estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act. These estimates are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules.

Compliance with the collection of information requirements of the rule is mandatory and is necessary to comply with the requirements of the rule in general.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202504-3235-001* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by July 28, 2025.

Dated: June 24, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11863 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

[6] The Commission's estimate concerning the wage rate for attorney time is based on salary information for the securities industry compiled by the Securities Industry and Financial Markets Association (''SIFMA''); the $511 per hour figure for an attorney is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013,* modified by Commission staff to account for an 1,800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, overhead, and adjusted to account for the effects of inflation.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103314; File No. SR–BOX–2025–17]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Expiration Date in Rule 16060 (Consolidated Audit Trail—Time Stamps) To Be Consistent With the Exemptive Relief Granted by the Commission From Certain Provisions Related to Timestamp Granularity

June 24, 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 20, 2025, BOX Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the expiration date in Rule 16060 (Consolidated Audit Trail—Time Stamps) (a)(2) from April 8, 2025 to April 8, 2030. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *https://rules.boxexchange.com/rulefilings.*

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 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 purpose of the proposed rule change is to amend Rule 16060 of the CAT Compliance Rule to be consistent with the 2025 Timestamp Granularity Exemption. Under the 2025 Timestamp Granularity Exemption, the Commission extended the existing exemptive relief pursuant to which Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, from April 8, 2025 to April 8, 2030. Accordingly, the Exchange proposes to update the expiration date of the exemption in Rule 16060(a)(2) from April 8, 2025 to April 8, 2030.

On February 3, 2020, the Participants filed with the Commission a request for exemptive relief from the requirement in Section 6.8(b) of the CAT NMS Plan for each Participant, through its CAT Compliance Rule, to require that, to the extent that its Industry Members utilize timestamps in increments finer than nanoseconds in their order handling or execution systems, such Industry Members utilize such finer increment when reporting CAT Data to the Central Repository.[3] On April 8, 2020, the Participants received the requested exemptive relief.[4] As a condition to this exemption, the Participants, through their CAT Compliance Rules, required Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The exemption was to remain in effect for five years, until April 8, 2025.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter to Vanessa Countryman, Secretary, SEC, from Michael Simon, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Granularity of Timestamps and Relationship Identifiers (Feb. 3, 2020).

[4] *See* Securities Exchange Act Release No. 88608 (April 8, 2020), 85 FR 20743 (April 14, 2020).

In 2020, the Exchange amended paragraph (a)(2) of Rule 16060 to reflect this exemptive relief.[5] Specifically, the Exchange amended Rule 16060(a)(2) to state the following.

Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2025.

The language of Rule 16060(a)(2) has not been changed since that time.

The exemption granted in 2020, however would no longer be in effect after April 8, 2025, unless the period the exemption is in effect is extended by the SEC. Accordingly, on March 24, 2025, the Participants filed with the Commission a request to extend the existing exemptive relief for another five years, until April 8, 2030.[6] On May 2, 2025, the Participants received the requested exemptive relief from the Commission via the 2025 Timestamp Granularity Exemption. As a condition to this exemption, the Participants, through their CAT Compliance Rules, are required to require Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The SEC granted the 2025 Timestamp Granularity Exemption for a period of five years, until April 8, 2030.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect the extended period set forth in the 2025 Timestamp Granularity Exemption, replacing the reference to April 8, 2025 with April 8, 2030. Specifically, the Exchange proposes to amend paragraph (a)(2) of Rule 16060 to state:

Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2030.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,[7] which require, among other things, that the Exchange's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(b)(8) of the Act,[8] which requires that the Exchange's rules not impose any burden on competition that is not necessary or appropriate.

The Exchange believes that this proposal is consistent with the Act because it is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [9] To the extent that this proposal implements the Plan, including the exemptive relief related thereto, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Exchange Act.

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 Exchange Act. The Exchange notes that the proposed rule change is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) [11] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6) [13] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent

[5] *See* Securities Exchange Act Release No. 89116 (June 22, 2020), 85 FR 38401, (June 26, 2020) (SR–BOX–2020–24).

[6] *See* Letter to Vanessa Countryman, Secretary, SEC, from Brandon Becker, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Timestamp Granularity (Mar. 24, 2025).

[7] 15 U.S.C. 78f(b)(6).

[8] 15 U.S.C. 78f(b)(8).

[9] *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

with the protection of investors and the public interest because the proposal seeks to amend the Exchange's CAT Compliance Rule to reflect the expiration date for exemptive relief relating to timestamp granularity approved by the Commission on May 2, 2025, and the proposal does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–BOX–2025–17 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–BOX–2025–17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–BOX–2025–17 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

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[16] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103300; File No. SR–GEMX–2025–13]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend GEMX's Pricing Schedule To Amend Certain Taker Fees and the Qualifying Tier Thresholds

June 24, 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, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend GEMX's Pricing Schedule at Options 7, Section 3, ''Regular Order Fees and Rebates'' to (1) amend the Penny Symbol Tier 3 Taker Fees for Market Makers,[3] Non-Nasdaq GEMX Market Makers (FarMM),[4] Firm Proprietary [5]/ Broker Dealers [6] and Professional Customers; [7] (2) amend the Penny Symbol Tier 4 Taker Fees for Market Makers and Non-Nasdaq GEMX Market Makers (FarMM); (3) amend current note 17 and add a new note 18 to Options 7, Section 3; and (4) amend the Qualifying Tier Thresholds and accompanying descriptions of those thresholds.[8]

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/gemx/rulefilings,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[3] The term ''Market Makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* Options 1, Section 1(a)(21).

[4] A ''Non-Nasdaq GEMX Market Maker'' is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange. *See* Options 7, Section 1(c).

[5] A ''Firm Proprietary'' order is an order submitted by a member for its own proprietary account. *See* Options 7, Section 1(c).

[6] A ''Broker-Dealer'' order is an order submitted by a member for a broker-dealer account that is not its own proprietary account. *See* Options 7, Section 1(c).

[7] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer.

[8] On May 30, 2025, SR–GEMX–2025–11 was filed for implementation on June 2, 2025. On June 10, 2025, SR–GEMX–2025–11 was withdrawn and replaced with this rule change.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

GEMX proposes to amend GEMX's Pricing Schedule at Options 7, Section 3, ''Regular Order Fees and Rebates'' to (1) amend the Penny Symbol Tier 3 Taker Fees for Market Makers, Non-Nasdaq GEMX Market Makers (FarMM), Firm Proprietary/Broker Dealers and Professional Customers; (2) amend the Penny Symbol Tier 4 Taker Fees for Market Makers and Non-Nasdaq GEMX Market Makers (FarMM); (3) amend current note 17 and add a new note 18 to Options 7, Section 3; and (4) amend the Qualifying Tier Thresholds and accompanying descriptions of those thresholds.

Taker Fees

Today, GEMX offers 4 tiers of Penny Symbol Taker Fees. Non-Priority Customers [9] are assessed Tier 1 and Tier 2 Penny Symbol Taker Fees of $0.50 per contract. Non-Priority Customers are assessed a Tier 3 Penny Symbol Taker Fee of $0.49 per contract. Market Makers and Non-Nasdaq GEMX Market Makers (FarMM) are assessed a Tier 4 Penny Symbol Taker Fee of $0.47 per contract and Firm Proprietary/Broker Dealers and Professional Customers are assessed Tier 4 Penny Symbol Taker Fee of $0.49 per contract. Priority Customers [10] are assessed a Tier 1 and 2 Penny Symbol Taker Fee of $0.48 per contract, a Tier 3 Penny Symbol Taker Fee of $0.44 per contract, and a Tier 4 Penny Symbol Taker Fee of $0.42 per contract.

With this proposal, GEMX proposes to increase the Non-Priority Customer Taker Fees for Penny Symbols in Tier 3 from $0.49 to $0.50 per contract. Also, the Exchange proposes to increase the Market Makers and Non-Nasdaq GEMX Market Makers (FarMM) Taker Fees for Penny Symbols in Tier 4 from $0.47 to $0.49 per contract. Despite the proposed increases in Tier 3 and 4 Penny Symbol Taker Fees, the Exchange believes that its pricing remains competitive and will continue to attract order flow to GEMX, particularly given the opportunity to earn the proposed new note 18 fee reduction described below.

The Exchange proposes to amend current note 17 in Options 7, Section 3 to apply to the Tier 3 Penny Symbol Taker Fee in SPY in addition to the current Tier 4 Penny Symbol Taker Fee in SPY in note 17. Today, note 17 states, ''Market Maker/Non-Nasdaq GEMX Market Maker (FarMM) in Tier 4 Taker Fees in SPY will be decreased by $0.01 per contract.'' In addition to adding the Tier 3 Penny Symbol Taker Fee to note 17, the Exchange also proposes to add ''Penny Symbol'' to note 17. The addition of the words ''Penny Symbol'' to note 17 is not a substantive change because note 17 applies to Penny Symbols today and does not apply to Non-Penny Symbols. As amended note 17 should continue to incentivize marker participants to remove liquidity in SPY on GEMX at a lower cost.

The Exchange proposes a new note 18 to Options 7, Section 3 that would provide that Tier 3 and 4 Penny Symbol Taker Fees for Market Makers and Non-Nasdaq GEMX Market Makers (FarMM) will be $0.42 per contract when the Member is (i) both the buyer and the seller or (ii) the Member removes liquidity from another Member as an Affiliated Member [11] or Affiliated Entity.[12] The $0.42 per contract Penny Symbol Taker Fee would be in lieu of the proposed $0.50 per contract Tier 3 Penny Symbol Taker Fee and in lieu of the proposed $0.49 per contract Tier 4 Penny Symbol Taker Fee for Market Makers and Non-Nasdaq GEMX Market Makers (FarMM). Further, in a given month, a Member would receive the pricing in either amended note 17 or new note 18 with respect to SPY, whichever is more favorable, but not both. The Exchange believes that the new note 18 fee reduction will encourage Market Makers and Non-Nasdaq GEMX Market Makers (FarMM) to remove liquidity on GEMX at the reduced Penny Symbol Taker Fees in Tiers 3 or 4.

Qualifying Tier Thresholds

Today, the Exchange has the following Qualifying Tier Thresholds in Options 7, Section 3 in Table 1:

Tier	% of customer total consolidated volume	Priority customer maker % of customer total consolidated volume
Tier 1	Executes less than 1.5% of Customer Total Consolidated Volume.	Executes Priority Customer Maker volume of less than 0.65% of Customer Total Consolidated Volume.
Tier 2	Executes 1.5% to less than 2.25% of Customer Total Consolidated Volume.	Executes Priority Customer Maker volume of 0.65% to less than 1.2% of Customer Total Consolidated Volume.
Tier 3	Executes 2.25% to less than 3.0% of Customer Total Consolidated Volume.	Executes Priority Customer Maker volume of 1.2% to less than 1.6% of Customer Total Consolidated Volume.
Tier 4	Executes 3.0% or greater of Customer Total Consolidated Volume.	Executes Priority Customer Maker volume of 1.6% or greater of Customer Total Consolidated Volume.

The Exchange proposes to amend the Qualifying Tier Thresholds, in Options 7, Section 3 at Table 1 by removing the criteria related to the percentage of Customer Total Consolidated Volume. Today, the Total Affiliated Member or Affiliated Entity % of Customer Total Consolidated Volume category includes all volume in all symbols and order types, including both maker and taker volume and volume executed in the PIM, Facilitation, Solicitation, and QCC mechanisms. With this proposal, the Exchange would also be removing taker volume as a factor in achieving the

[9] ''Non-Priority Customers'' include Market Makers, Non-Nasdaq GEMX Market Makers (FarMMs), Firm Proprietary/Broker-Dealers, and Professional Customers. *See* Options 7, Section 1(c).

[10] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq GEMX Options 1, Section 1(a)(36). Unless otherwise noted, when used in this Pricing Schedule the term ''Priority Customer'' includes ''Retail''. *See* Options 7, Section 1(c).

[11] An ''Affiliated Member'' is a Member that shares at least 75% common ownership with a particular Member as reflected on the Member's Form BD, Schedule A. *See* Options 7, Section 1(c).

[12] An ''Affiliated Entity'' is a relationship between an Appointed Market Maker and an Appointed OFP for purposes of qualifying for certain pricing specified in the Pricing Schedule. Market Makers and OFPs are required to send an email to the Exchange to appoint their counterpart, at least 3 business days prior to the last day of the month to qualify for the next month. The Exchange will acknowledge receipt of the emails and specify the date the Affiliated Entity is eligible for applicable pricing, as specified in the Pricing Schedule. Each Affiliated Entity relationship will commence on the 1st of a month and may not be terminated prior to the end of any month. An Affiliated Entity relationship will automatically renew each month until or unless either party terminates earlier in writing by sending an email to the Exchange at least 3 business days prior to the last day of the month to terminate for the next month. Affiliated Members may not qualify as a counterparty comprising an Affiliated Entity. Each Member may qualify for only one (1) Affiliated Entity relationship at any given time. *See* Options 7, Section 1(c).

Qualifying Tier Thresholds. The Exchange would also replace the Priority Customer Maker percentage in the second column of criteria with Maker percentage of Customer Total Consolidated Volume. With this proposal, all market participant maker volume would count toward the tier thresholds. No taker volume would be counted toward the Qualifying Tier Thresholds. Further, the Exchange proposes to amend the percentages for each tier threshold by increasing each tier to account for the applicability of all market participant maker volume.

Tier 1 criteria currently requires a market participant to execute Priority Customer Maker volume of less than 0.65% of Customer Total Consolidated Volume. With the amendment, the Tier 1 criteria would require a market participant to execute Maker volume of less than 0.85% of Customer Total Consolidated Volume.

Tier 2 criteria currently requires a market participant to execute Priority Customer Maker volume of 0.65% to less than 1.2% of Customer Total Consolidated Volume. With the amendment, the Tier 2 criteria would require a market participant to execute Maker volume of 0.85% to less than 1.2% of Customer Total Consolidated Volume.

Tier 3 criteria currently requires a market participant to execute Priority Customer Maker volume of 1.2% to less than 1.6% of Customer Total Consolidated Volume. With the amendment, the Tier 3 criteria would require a market participant to execute Maker volume of 1.2% to less than 1.75% of Customer Total Consolidated Volume.

Tier 4 criteria currently requires a market participant to execute Priority Customer Maker volume of 1.6% or greater of Customer Total Consolidated Volume. With the amendment, the Tier 4 criteria would require a market participant to execute Maker volume of 1.75% or greater of Customer Total Consolidated Volume.

Further, the Exchange proposes to remove the rule text at Options 7, Section 3 below Table 1 which states, ''The Total Affiliated Member or Affiliated Entity % of Customer Total Consolidated Volume category includes all volume in all symbols and order types, including both maker and taker volume and volume executed in the PIM, Facilitation, Solicitation, and QCC mechanisms.'' This rule text is no longer necessary because the Exchange is eliminating the percentage of Customer Total Consolidated Volume criteria in Table 1. Additionally, the Exchange proposes to amend the rule text at Options 7, Section 3 below Table 1 which states, ''The Priority Customer Maker % of Customer Total Consolidated Volume category includes all Priority Customer volume that adds liquidity in all symbols.'' Because the Exchange is eliminating the percentage of Customer Total Consolidated Volume criteria in Table 1 and amending the second column in Table 1 to apply to all market participants, the Exchange proposes to amend this rule text to state, ''The Maker % of Customer Total Consolidated Volume category includes all eligible market participant volume that adds liquidity in all symbols.''

The amendments to the Qualifying Tier Thresholds should continue to encourage market participants to direct orders to GEMX, particularly as all eligible market participant maker volume will count toward the criteria for each tier threshold. Today, only Priority Customer maker volume counted toward the Qualifying Tier Thresholds.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[14] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed changes to the Pricing Schedule are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for order flow, which constrains its pricing determinations. The fact that the market for order flow is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated, ''[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'. . . .'' [15]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for options transaction services. The Exchange is only one of eighteen options exchanges to which market participants may direct their order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. Within the foregoing context, the proposal represents a reasonable attempt by the Exchange to attract additional order flow to the Exchange and increase its market share relative to its competitors.

Taker Fees

The Exchange's proposal to increase the Non-Priority Customer Taker Fees for Penny Symbols in Tier 3 from $0.49 to $0.50 per contract is reasonable because, despite the increase to the fees, the Exchange believes that the pricing will continue to attract order flow to GEMX, particularly given the opportunity to earn a lower Market Maker and Non-Nasdaq GEMX Market Maker (FarMM) Tier 3 Penny Symbol Taker Fee pursuant to proposed new note 18. The Exchange's proposal to increase the Non-Priority Customer Taker Fees for Penny Symbols in Tier 3 from $0.49 to $0.50 per contract is equitable and not unfairly discriminatory as all Non-Priority Customers would be assessed the same Tier 3 Penny Symbol Taker Fee. Also, Priority Customers would continue to pay a lower Tier 3 Penny Symbol Taker Fee. Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts market makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants, to the benefit of all market participants who may interact with the order flow.

The Exchange's proposal to increase the Market Makers and Non-Nasdaq GEMX Market Makers (FarMM) Taker Fees for Penny Symbols in Tier 4 from $0.47 to $0.49 per contract is reasonable because, despite the increase to the fees, the Exchange believes that the pricing will continue to attract order flow to GEMX, particularly given the

[13] *See* 15 U.S.C. 78f(b).

[14] *See* 15 U.S.C. 78f(b)(4) and (5).

[15] *See NetCoalition,* 615 F.3d at 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

opportunity to earn a lower Tier 4 Penny Symbol Taker Fee pursuant to proposed new note 18. The Exchange's proposal to increase the Market Makers and Non-Nasdaq GEMX Market Makers (FarMM) Taker Fees for Penny Symbols in Tier 4 from $0.47 to $0.49 per contract is equitable and not unfairly discriminatory because all Non-Priority Customers would be assessed the same Tier 4 Penny Symbol Taker Fee. Also, Priority Customers would continue to pay a lower Tier 4 Penny Symbol Taker Fee. Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts market makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants, to the benefit of all market participants who may interact with the order flow.

The Exchange's proposal to amend current note 17 of Options 7, Section 3 to apply to the Tier 3 Market Maker/Non-Nasdaq GEMX Market Maker (FarMM) Penny Symbol Taker Fee in SPY is reasonable because the amendment will decrease the new Tier 3 Penny Symbol Taker Fee in SPY by $0.01 per contract and incentivize Market Makers/Non-Nasdaq GEMX Market Makers (FarMM) to remove liquidity in SPY on GEMX at the lower cost, thereby attracting more SPY order flow to GEMX. The Exchange's proposal to amend current note 17 of Options 7, Section 3 to apply to the Tier 3 Market Maker/Non-Nasdaq GEMX Market Maker (FarMM) Penny Symbol Taker Fee in SPY is equitable and not unfairly discriminatory because Market Makers have different requirements and additional obligations as compared to other market participants (such as quoting requirements).[16] The amended note 17 incentive is designed to continue to incentivize Market Makers to remove liquidity in SPY thereby facilitating tighter spreads and contributing towards a robust, well-balanced market ecosystem, to the benefit of all market participants. Non-Nasdaq GEMX Market Makers (FarMM) qualify as market makers on other exchanges. The Exchange believes that market makers not registered on GEMX will be encouraged to remove liquidity in SPY on GEMX as an away market maker (Non-Nasdaq GEMX Market Makers (FarMM)) with this incentive. Because the incentive is being offered to both market makers registered on GEMX and those not registered on GEMX, the Exchange believes that the proposal is equitable and not unfairly discriminatory because it encourages market makers to remove liquidity in SPY thereby filling orders of other market participants. This proposal recognizes the overall contributions made by market makers to a listed options market. Finally, adding the words ''Penny Symbol'' to note 17 is reasonable, equitable and not unfairly discriminatory because the addition of the language is a non-substantive change as note 17 only applies to Penny Symbols today.

The Exchange believes that assessing different pricing for SPY, as compared to other symbols, is reasonable, equitable and not unfairly discriminatory because trading in SPY is different from trading in other symbols in that it is more liquid, has higher volume and competition for executions is more intense in comparison.

The Exchange's proposal to adopt a new note 18 to Options 7, Section 3 that would provide that Tier 3 and 4 Penny Symbol Taker Fees for Market Makers and Non-Nasdaq GEMX Market Makers (FarMM) will be $0.42 per contract when the Member is (i) both the buyer and the seller or (ii) the Member removes liquidity from another Member as an Affiliated Member or Affiliated Entity is reasonable because it would allow Market Makers and Non-Nasdaq GEMX Market Makers (FarMM) to lower their Tier 3 and 4 Penny Symbol Taker Fees from the proposed $0.50 per contract for Tier 3 and the proposed $0.49 per contract for Tier 4 to $0.42 per contract, thereby attracting more order flow to GEMX. The Exchange's proposal to adopt a new note 18 to Options 7, Section 3 that would provide that Tier 3 and 4 Penny Symbol Taker Fees for Market Makers and Non-Nasdaq GEMX Market Makers (FarMM) will be $0.42 per contract when the Member is (i) both the buyer and the seller or (ii) the Member removes liquidity from another Member as an Affiliated Member or Affiliated Entity is equitable and not unfairly discriminatory because Market Makers have different requirements and additional obligations as compared to other market participants (such as quoting requirements).[17] Proposed note 18 incentive is designed to continue to incentivize Market Makers to remove liquidity on GEMX thereby facilitating tighter spreads and contributing towards a robust, well-balanced market ecosystem, to the benefit of all market participants. Non-Nasdaq GEMX Market Makers (FarMM) qualify as market makers on other exchanges. The Exchange believes that market makers not registered on GEMX will be encouraged to remove liquidity on GEMX as an away market maker (Non-Nasdaq GEMX Market Makers (FarMM)) with this incentive. Because the incentive is being offered to both market makers registered on GEMX and those not registered on GEMX, the Exchange believes that the proposal is equitable and not unfairly discriminatory because it encourages market makers to remove liquidity thereby filling orders of other market participants. This proposal recognizes the overall contributions made by market makers to a listed options market.

Allowing a market participant to receive either the note 17 or 18 incentive with respect to SPY, whichever is more favorable, is reasonable because the Exchange would permit market participants to lower fees with either incentive. Allowing a market participant to receive either the note 17 or 18 incentive, whichever is more favorable, but not both is equitable and not unfairly discriminatory as it would be applied uniformly to all market participants that qualify for the rebate.

Qualifying Tier Thresholds

The Exchange's proposal to amend the Qualifying Tier Thresholds, in Options 7, Section 3 at Table 1 by removing the criteria related to the percentage of Customer Total Consolidated Volume and replacing the Priority Customer Maker percentage in the second column of criteria in Table 1 with Maker percentage of Customer Total Consolidated Volume is reasonable because all market participant marker volume would qualify toward the tier thresholds, not just Priority Customer volume. While the Exchange is amending the tier thresholds to make them higher and removing taker volume from any market participant as a qualifier, a greater amount of market participant maker volume would count toward each tier threshold. The Exchange believes that the amended qualifications for executed volume will encourage market participants to send liquidity to GEMX. All Members may interact with the maker volume from any market participant that is submitted on GEMX. The Exchange's proposal to amend the Qualifying Tier Thresholds, in Options 7, Section 3 at Table 1 by removing the criteria related to the percentage of Customer Total Consolidated Volume and replacing the Priority Customer Maker percentage in the second column of criteria in Table 1 with Maker percentage of Customer Total Consolidated Volume is equitable and

[16] *See* GEMX Options 2, Section 5.

[17] *See* GEMX Options 2, Section 5.

not unfairly discriminatory because the criteria will apply uniformly to all GEMX Members in determining a Member's applicable tier. Taker volume from any market participant will uniformly not be counted toward the Qualifying Tier Thresholds.

The Exchange's proposal to remove the rule text at Options 7, Section 3 below Table 1 which states, ''The Total Affiliated Member or Affiliated Entity % of Customer Total Consolidated Volume category includes all volume in all symbols and order types, including both maker and taker volume and volume executed in the PIM, Facilitation, Solicitation, and QCC mechanisms'' is reasonable, equitable and not unfairly discriminatory because the rule text is no longer necessary as the Exchange is eliminating the percentage of Customer Total Consolidated Volume criteria in Table 1. Additionally, the Exchange's proposal to amend the rule text at Options 7, Section 3 below Table 1 which states, ''The Priority Customer Maker % of Customer Total Consolidated Volume category includes all Priority Customer volume that adds liquidity in all symbols'' is reasonable, equitable and not unfairly discriminatory because the Exchange is eliminating the percentage of Customer Total Consolidated Volume criteria in Table 1 and amending the second column to apply to all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

The Exchange believes its proposal remains competitive with other options markets, and will offer market participants with another choice of venue to transact options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intramarket Competition

Taker Fees

The Exchange's proposal to increase the Non-Priority Customer Taker Fees for Penny Symbols in Tier 3 from $0.49 to $0.50 per contract does not impose an undue burden on competition because all Non-Priority Customers would be assessed the same Tier 3 Penny Symbol Taker Fee and Priority Customers would continue to pay a lower Tier 3 Penny Symbol Taker Fee. Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts market makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants, to the benefit of all market participants who may interact with the order flow.

The Exchange's proposal to increase the Market Makers and Non-Nasdaq GEMX Market Makers (FarMM) Taker Fees for Penny Symbols in Tier 4 from $0.47 to $0.49 per contract does not impose an undue burden on competition because all Non-Priority Customers would be assessed the same Tier 4 Penny Symbol Taker Fee and Priority Customers would continue to pay a lower Tier 4 Penny Symbol Taker Fee. Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts market makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants, to the benefit of all market participants who may interact with the order flow.

The Exchange's proposal to amend current note 17 of Options 7, Section 3 to apply to the Tier 3 Market Maker/Non-Nasdaq GEMX Market Maker (FarMM) Penny Symbol Taker Fee in SPY does not impose an undue burden on competition because Market Makers have different requirements and additional obligations as compared to other market participants (such as quoting requirements).[18] The amended note 17 incentive is designed to continue to incentivize Market Makers to remove liquidity in SPY thereby facilitating tighter spreads and contributing towards a robust, well-balanced market ecosystem, to the benefit of all market participants. Non-Nasdaq GEMX Market Makers (FarMM) qualify as market makers on other exchanges. The Exchange believes that market makers not registered on GEMX will be encouraged to remove liquidity in SPY on GEMX as an away market maker (Non-Nasdaq GEMX Market Makers (FarMM)) with this incentive. Because the incentive is being offered to both market makers registered on GEMX and those not registered on GEMX, the Exchange believes that the proposal is equitable and not unfairly discriminatory because it encourages market makers to remove liquidity in SPY thereby filling orders of other market participants. This proposal recognizes the overall contributions made by market makers to a listed options market.

The Exchange believes that assessing different pricing for SPY, as compared to other symbols, does not impose an undue burden on competition because trading in SPY is different from trading in other symbols in that it is more liquid, has higher volume and competition for executions is more intense in comparison.

The Exchange's proposal to adopt a new note 18 to Options 7, Section 3 that would provide that Tier 3 and 4 Penny Symbol Taker Fees for Market Makers and Non-Nasdaq GEMX Market Makers (FarMM) will be $0.42 per contract when the Member is (i) both the buyer and the seller or (ii) the Member removes liquidity from another Member as an Affiliated Member or Affiliated Entity does not impose an undue burden on competition because Market Makers have different requirements and additional obligations as compared to other market participants (such as quoting requirements).[19] Proposed note 18 incentive is designed to continue to incentivize Market Makers to remove liquidity on GEMX thereby facilitating tighter spreads and contributing towards a robust, well-balanced market ecosystem, to the benefit of all market participants. Non-Nasdaq GEMX Market Makers (FarMM) qualify as market makers on other exchanges. The Exchange believes that market makers not registered on GEMX will be encouraged to remove liquidity on GEMX as an away market maker (Non-Nasdaq GEMX Market Makers (FarMM)) with this incentive. Because the incentive is being offered to both market makers registered on GEMX and those not registered on GEMX, the Exchange believes that the proposal is equitable and not unfairly discriminatory because it encourages market makers to remove liquidity thereby filling orders of other market participants. This proposal recognizes the overall contributions

[18] *See* GEMX Options 2, Section 5.

[19] *See* GEMX Options 2, Section 5.

made by market makers to a listed options market.

Allowing a market participant to receive either the note 17 or 18 incentive with respect to SPY, whichever is more favorable, is equitable and not unfairly discriminatory as it would be applied uniformly to all market participants that qualify for the rebate.

Qualifying Tier Thresholds

The Exchange's proposal to amend the Qualifying Tier Thresholds, in Options 7, Section 3 at Table 1 by removing the criteria related to the percentage of Customer Total Consolidated Volume and replacing the Priority Customer Maker percentage in the second column of criteria in Table 1 with Maker percentage of Customer Total Consolidated Volume does not impose an undue burden on competition because the criteria will apply uniformly to all GEMX Members in determining a Member's applicable tier. Taker volume from any market participant will uniformly not be counted toward the Qualifying Tier Thresholds.

The Exchange's proposal to remove the rule text at Options 7, Section 3 below Table 1 which states, ''The Total Affiliated Member or Affiliated Entity % of Customer Total Consolidated Volume category includes all volume in all symbols and order types, including both maker and taker volume and volume executed in the PIM, Facilitation, Solicitation, and QCC mechanisms'' does not impose an undue burden on competition because the rule text is no longer necessary as the Exchange is eliminating the percentage of Customer Total Consolidated Volume criteria in Table 1. Additionally, the Exchange's proposal to amend the rule text at Options 7, Section 3 below Table 1 which states, ''The Priority Customer Maker % of Customer Total Consolidated Volume category includes all Priority Customer volume that adds liquidity in all symbols'' does not impose an undue burden on competition because the Exchange is eliminating the percentage of Customer Total Consolidated Volume criteria in Table 1 and amending the second column to apply to all market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[20] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–GEMX–2025–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–GEMX–2025–13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–GEMX–2025–13 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11869 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

[20] 15 U.S.C. 78s(b)(3)(A)(ii).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103303; File No. SR–CBOE–2025–043]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 7.25 of the Exchange's Compliance Rule To Be Consistent With the Exemptive Relief Granted by the Commission From Certain Provisions Related to Timestamp Granularity

June 24, 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 18, 2025, Cboe Exchange, Inc. (''Cboe Options'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend Rule 7.25 of the Exchange's compliance rule (''CAT Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Trail (the ''CAT NMS Plan'' or ''Plan'') [3] to be consistent with the exemptive relief granted by the Securities and Exchange Commission (the ''Commission'') from certain provisions of the CAT NMS Plan related to timestamp granularity (''2025 Timestamp Granularity Exemption'').[4] Specifically, the Exchange proposes to update the expiration date of the exemption in Rule 7.25(a)(2) from April 8, 2025 to April 8, 2030. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*https://www.cboe.com/us/options/regulation/rule_filings/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 7.25 of the CAT Compliance Rule to be consistent with the 2025 Timestamp Granularity Exemption. Under the 2025 Timestamp Granularity Exemption, the Commission extended the existing exemptive relief pursuant to which Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, from April 8, 2025 to April 8, 2030. Accordingly, the Exchange proposes to update the expiration date of the exemption in Rule 7.25(a)(2) from April 8, 2025 to April 8, 2030.

On February 3, 2020, the Participants filed with the Commission a request for exemptive relief from the requirement in Section 6.8(b) of the CAT NMS Plan for each Participant, through its CAT Compliance Rule, to require that, to the extent that its Industry Members utilize timestamps in increments finer than nanoseconds in their order handling or execution systems, such Industry Members utilize such finer increment when reporting CAT Data to the Central Repository.[5] On April 8, 2020, the Participants received the requested exemptive relief.[6] As a condition to this exemption, the Participants, through their CAT Compliance Rules, required Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The exemption was to remain in effect for five years, until April 8, 2025.

In 2020, the Exchange amended paragraph (a)(2) of Rule 7.25 to reflect this exemptive relief.[7] Specifically, the Exchange amended Rule 7.25(a)(2) to state the following.

> Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2025.

The language of Rule 7.25(a)(2) has not been changed since that time.

The exemption granted in 2020, however would no longer be in effect after April 8, 2025, unless the period the exemption is in effect is extended by the Commission. Accordingly, on March 24, 2025, the Participants filed with the Commission a request to extend the existing exemptive relief for another five years, until April 8, 2030.[8] On May 2, 2025, the Participants received the requested exemptive relief from the Commission via the 2025 Timestamp Granularity Exemption. As a condition to this exemption, the Participants, through their CAT Compliance Rules, are required to require Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The Commission granted the 2025 Timestamp Granularity Exemption for a period of five years, until April 8, 2030.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect the extended period set forth in the 2025 Timestamp Granularity Exemption, replacing the reference to April 8, 2025 with April 8, 2030. Specifically, the Exchange proposes to amend paragraph (a)(2) of Rule 7.25 to state:

> Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2030.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in

[3] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule. *See* Chapter 7, Section B of the Exchange's Rulebook.

[4] Securities Exchange Act Rel. No. 102980 (May 2, 2025), 90 FR 19334 (May 7, 2025).

[5] *See* Letter to Vanessa Countryman, Secretary, Commission, from Michael Simon, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Granularity of Timestamps and Relationship Identifiers (Feb. 3, 2020).

[6] *See* Securities Exchange Act Release No. 88608 (April 8, 2020), 85 FR 20743 (April 14, 2020).

[7] *See* Securities Exchange Act Release No. 89156 (June 25, 2020), 85 FR 39625 (July 1, 2020) (SR–CBOE–2020–059).

[8] *See* Letter to Vanessa Countryman, Secretary, Commission, from Brandon Becker, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Timestamp Granularity (Mar. 24, 2025).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that this proposal is consistent with the Act because it is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the Commission noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.''[12] To the extent that this proposal implements the Plan, including the exemptive relief related thereto, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the Commission, and is therefore consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6)[14] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6)[16] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange's CAT Compliance Rule to reflect the expiration date for exemptive relief relating to timestamp granularity approved by the Commission on May 2, 2025, and the proposal does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CBOE–2025–043 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CBOE–2025–043. 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

[11] *Id.*

[12] *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–CBOE–2025–043 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11872 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103319; File No. SR–MEMX–2025–17]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 13.4(a) To Reflect the Name Change of NYSE Chicago, Inc. to NYSE Texas, Inc.

June 24, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 17, 2025, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend Rule 13.4(a) to reflect the name change of NYSE Chicago, Inc. to NYSE Texas, Inc. The text of the proposed rule change is provided in Exhibit 5 and is available on the Exchange's website at *https://info.memxtrading.com/regulation/rules-and-filings/.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 13.4(a) (Usage of Data Feeds) to reflect the recent name change of NYSE Chicago, Inc. (''NYSE Chicago'') to NYSE Texas, Inc. (''NYSE Texas''). Exchange Rule 13.4(a) lists the specific data feeds it uses for the handling, execution and routing of orders, as well as for surveillance necessary to monitor compliance with applicable securities laws and Exchange Rules.

On February 28, 2025, NYSE Chicago filed with the Commission a proposal to convert from a corporation organized under the laws of the state of Delaware to one organized under the laws of the state of Texas and changed its name from NYSE Chicago, Inc. to NYSE Texas, Inc.[5] Given that NYSE Chicago is one of the data feeds listed under Rule 13.4(a), the Exchange accordingly proposes a conforming change to its rules to replace the name of NYSE Chicago with NYSE Texas.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the Exchange believes that the proposal to update Rule 13.4(a) to reference NYSE Texas will ensure that the Rule correctly identities and publicly states on a market-by-market basis all of the specific network processor and proprietary data feeds that the Exchange utilizes for the handling, routing, and execution of orders, and for performing the regulatory compliance checks related to each of those functions. In addition, the proposed amendment would reduce potential investor and market participant confusion and therefore remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that investors and market participants can more easily navigate, understand, and comply with the Exchange's rules. The proposed amendment would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from the increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with updating Rule 13.4(a) to reflect the name change associated with a source of data utilized when performing order handling, execution, and routing, and for surveillance necessary to monitor compliance with applicable securities laws and Exchange rules.

[20] 17 CFR 200.30–3(a)(12) and (59).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4.

[5] *See* Securities Exchange Act Release No. 102507 (February 28, 2025), 90 FR 11445 (March 6, 2025) (SR–NYSECHX–2025–01) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Repeal the Exchange's Certification of Incorporation; Adopt the Certificate of Formation of NYSE Texas, Inc.; Amend the Exchange's By-Laws, Rules, and Certain Fee Schedules; and Amend the Certification of Incorporation and By-Laws of the Exchange's Holding Company To Reflect the Conversion of the Exchange to a Texas Corporation and the Renaming of NYSE Chicago Holdings, Inc.).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is filed for immediate effectiveness pursuant to Section 19(b)(3)(A) of Act [8] and Rule 19b–4(f)(6) [9] thereunder. The Exchange has designated this proposal as one that effects a change that rule does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. Additionally, the Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

A proposed rule change filed under Rule 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) [10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay period. The Commission believes that waiver of the 30-day operative delay period is consistent with the protection of investors and the public interest. The Exchange is proposing a non-substantive conforming change to reflect the name change of NYSE Chicago to NYSE Texas found in Exchange Rule 13.4. The proposed change would contribute to the orderly operation of the Exchange by ensuring the accuracy of, and adding clarity and transparency to, the Exchange's rules, to the benefit of investors and the public interest. For these reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, and designates the proposed rule change to be operative upon filing with the Commission.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[12] If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MEMX–2025–17 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MEMX–2025–17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–MEMX–2025–17 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11888 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78s(b)(3)(C).

[13] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103301; File No. SR–CboeBZX–2024–126]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the BondBloxx Private Credit Trust

June 24, 2025.

On December 17, 2024, Cboe BZX Exchange, Inc. (''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the BondBloxx Private Credit Trust under BZX Rule 14.11(f). The proposed rule change was published for comment in the **Federal Register** on December 30, 2024.[3]

On February 7, 2025, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 102003 (Dec. 19, 2024), 89 FR 106648. Comments on the proposal are available at: *https://www.sec.gov/comments/sr-cboebzx-2024-126/srcboebzx2024126.htm.*

[4] 15 U.S.C. 78s(b)(2).

proposed rule change.[5] On March 14, 2025, the Commission instituted proceedings pursuant to Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7]

Section 19(b)(2) of the Act[8] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on December 30, 2024. June 28, 2025 is 180 days from that date, and August 27, 2025 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[9] designates August 27, 2025 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–CboeBZX–2024–126).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11870 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

[5] *See* Securities Exchange Act Release No. 102375, 90 FR 9559 (Feb. 13, 2025).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 102677, 90 FR 13257 (Mar. 20, 2025).

[8] 15 U.S.C. 78s(b)(2).

[9] *Id.*

[10] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103312; File No. SR–LCH SA–2025–006]

Self-Regulatory Organizations; LCH SA; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Revisions to Its CDSClear Fee Grid for Services Provided to Dealers

June 24, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4,[2] notice is hereby given that on June 11, 2025, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (''Proposed Rule Change''), as described in Items I, II and III below, which Items have been prepared primarily by the clearing agency. LCH SA has designated this proposal for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

LCH SA is proposing to amend its CDSClear fee grid (the ''Fee Grid'') by incorporating changes with respect to the CDSClear business and clearing services offered for CDS Dealers (the ''Proposed Rule Change'').[5] The text of the Proposed Rule Change is provided in Exhibit 5.[6] The implementation of the Proposed Rule Change will be contingent on LCH SA's receipt of all necessary regulatory approvals.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA 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. LCH SA 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 purpose of the Proposed Rule Change is for LCH SA CDSClear to amend its Fee Grid regarding the CDS Dealer status offering.[7] The Proposed Rule Change also removes references to LCH SA's former service offerings, EquityClear and CommodityClear, and adds references to LCH SA's new offering, DigitalAssetClear.

LCH SA is proposing to amend the CDSClear Fee Grid as follows:

(A) Self-Clearing Fees

1. CDS Dealer Status

Following the full regulatory approval received by LCH SA for the CDS Dealer Status arrangement,[8] LCH SA is proposing to add a new fee for market participants that are CDS Dealers of €100,000 per annum. This fee is separate from any fees for trades submitted for clearing, which will be charged based on the tariff of the Clearing Member with which the CDS Dealer is party to a CDS Dealer Clearing Agreement.

LCH SA is proposing to add footnote (4) to its fee grid to note that the annual fee will be charged to the Clearing Member with which the CDS Dealer is party to a CDS Dealer Clearing Agreement. The fee will be paid over 12 months and charged one twelfth each month where the CDS Dealer is considered live for the whole month, regardless of the go-live date within that month. Footnote (4) further specifies that variable fees will be charged based on the fee tariff of the Clearing Member with which the CDS Dealer is party to a CDS Dealer Clearing Agreement.

(B) Annual Account Structure Fees

LCH SA is proposing to remove references to LCH SA EquityClear and CommodityClear Account Charges following the closure of these businesses in 2024. References to account fees for Cash Markets and Derivatives Markets are being removed for the same reason and replaced with

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f).

[5] All capitalized terms not defined herein have the same meaning as in the Rule Book in its version as available on LCH SA's website: *https://www.lseg.com/en/post-trade/clearing/clearing-resources/rulebooks/lch-sa#t-over-the-counter-credit-default-swaps.*

[6] All capitalized terms not defined herein have the same definition as in the Framework, unless otherwise stated.

[7] *See* Exchange Act Release No. 34–102217 (Jan. 16, 2025), 90 FR 8060 (Jan. 23, 2025) (SR–LCH SA–2024–005).

[8] *Id.*

references to the new clearing service, DigitalAssetClear. Specifically, LCH SA is removing references to the previously applied quarterly account charges for EquityClear and CommodityClear.

2. Statutory Basis

LCH SA believes that the Proposed Rule Change is consistent with the requirements of Section 17A of the Exchange Act [9] and the regulations thereunder applicable to LCH SA. Section 17A(b)(3)(D) of the Act [10] requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees and other charges among its participants.

LCH SA believes the amendments to the Fee Grid are reasonable given the changes to its CDSClear service and equitable for both existing and new Clearing Members and Clients.

A participant that is not a member of CDSClear but is affiliated with an existing Clearing Member that wishes to otherwise access the service, may clear as a Client of the Clearing Member or as a CDS Dealer.[11] LCH is proposing to amend the annual fee payable by a participant joining as a CDS Dealer to €100,000. The variable fees are still payable based on the fee tariff of the Clearing Member.

LCH SA also believes that the Proposed Rule Change is consistent with the requirements of Section 17A of the Act and regulations thereunder applicable to it, including Commission Rule 17Ad-22(e). In particular, Section 17A(b)(3)(F) [12] of the Act requires, inter alia, that the rules of a clearing agency be designed to ''promote the prompt and accurate clearance and settlement of . . . derivatives agreements, contracts, and transactions''.

LCH SA is proposing an annual fee that allows participants to join as CDS Dealers and is designed to incentivize and encourage a broader set of market participants to submit transactions for clearing even if not a Clearing Member of the CDSClear service. LCH SA believes the specific CDS Dealer fee provides transparency regarding the cost of clearing and promotes the prompt and accurate clearance and settlement of CDS products.

LCH SA therefore believes that the Proposed Rule Change is consistent with the requirements of Section 17A(b)(3)(D) [13] of the Act and 17A(b)(3)(F) [14] of the Act in that the amendments to the Fee Grid are reasonable and equitable among its participants and are encouraging clearing activity.

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act [15] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. LCH SA does not believe that the Proposed Rule Change would impose any burden on competition. The purpose of the Proposed Rule Change is for LCH SA to amend its Fee Grid to incorporate a new fee for market participants that are CDS Dealers following the implementation of the Dealer Status initiative. This fee will be separate from any variable clearing fees, which will be charged based on the tariff of the Clearing Member with which the CDS Dealer is party to a CDS Dealer Clearing Agreement and in accordance with the existing CDSClear fees and will be applied equally for all Dealers. Thus, LCH SA does not believe that the Proposed Rule Change would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the Proposed Rule Change have not been solicited or received. LCH SA will notify the Commission of any written comments received by LCH SA.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and paragraph (f) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–LCH SA–2025–006 on the subject line.

Paper Comments

Send paper comments in triplicate to Vanessa Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR–LCH SA–2025–006. 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-regulations/self-regulatory-organization-rulemaking*). 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 LCH SA and on LCH SA's website at: *(https://www.lch.com/resources/rulebooks/proposed-rule-changes).*

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 materials that is obscene or subject to copyright protection. All submissions should refer to file number SR–LCH SA–2025–006 and should be submitted on or before July 18, 2025.

[9] 15 U.S.C. 78q–1.

[10] 15 U.S.C. 78q–1(b)(3)(D).

[11] Participants may also apply to become a Clearing Member directly.

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] 15 U.S.C. 78q–1(b)(3)(D).

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] 15 U.S.C. 78q–1(b)(3)(I).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11881 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103310; File No. SR–DTC–2025–003]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Amendment No. 1, and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, Regarding Proposed Rule Change Relating to a Participant System Disruption

June 24, 2025.

On March 14, 2025, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–DTC–2025–003 pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''the Act'')[1] and Rule 19b–4[2] thereunder to modify its Disruption Rules.[3] The proposed rule change was published for public comment in the **Federal Register** on March 27, 2025.[4] The Commission has received comments regarding the substance of the changes proposed in the proposed rule change.[5]

On May 2, 2025, pursuant to Section 19(b)(2) of the Exchange Act,[6] 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.[7] On June 20, 2025, DTC filed Amendment No. 1 to the proposed rule change, as described in Items I and II below, which Items have been prepared by DTC.[8] Amendment No. 1 superseded the original proposed rule change in its entirety.

The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, and is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act[9] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change, as Modified by Amendment No. 1

DTC, along with its two affiliate clearing agencies, Fixed Income Clearing Corporation (''FICC'') and National Securities Clearing Corporation (''NSCC,'' and together with DTC and FICC, the ''Clearing Agencies,'' or ''Clearing Agency'' when referring to one of any of the three Clearing Agencies)[10] each filed with the Commission substantively similar proposals (''Original Proposal'')[11] to amend their respective rules currently titled Systems Disconnect: Threat of Significant Impact to the Corporation's Systems.[12] Each respective filing was written from the perspective of the Clearing Agencies, collectively, instead of DTC, FICC, and NSCC individually, but application of the proposed rule changes would only apply to the DTCC Systems Participant (as defined below) of the corresponding Clearing Agency or Clearing Agencies.[13]

On April 17, 2025, the Securities Industry and Financial Markets Association (''SIFMA'') submitted a comment letter to the Original Proposal (''SIFMA Letter'').[14] Based on comments made in the SIFMA Letter and further review of the Original Proposal, the Clearing Agencies are now filing this Amendment No. 1.

This Amendment No. 1 would modify the Original Proposal by (i) amending the proposed definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and proposing to add Third-Party Provider as a new defined term; (ii) simplifying the notification requirements and requested details of a Participant System Disruption; (iii) allowing for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) making technical, ministerial, and other conforming and clarifying changes.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, as Modified by Amendment No. 1

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On March 14, 2025, the Clearing Agencies each filed the Original Proposal[15] to amend their respective rules currently titled Systems Disconnect: Threat of Significant Impact to the Corporation's Systems. Each respective filing was written from the perspective of the Clearing Agencies, collectively, instead of DTC, FICC, and NSCC individually, but application of

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Specifically, DTC is seeking to modify Rule 38(A) (Systems Disconnect: Threat of Significant Impact to the Corporation's Systems) of the Rules, By-Laws and Organization Certificate of DTC (the ''Disruption Rules''). The Disruption Rules are publicly *available at https://www.dtcc.com/legal/rules-and-procedures.*

[4] Securities Exchange Act Release No. 102712 (Mar. 21, 2025), 90 FR 13919 (Mar. 27, 2025) (File No. SR–DTC–2025–003).

[5] Comments on the proposed rule change are *available at https://www.sec.gov/comments/sr-dtc-2025-003/srdtc2025003.htm.*

[6] 15 U.S.C. 78s(b)(2).

[7] Securities Exchange Act Release No. 102981 (May 5, 2025), 90 FR 19590 (May 8, 2025) (File Nos. SR–DTC–2025–003; SR–FICC–2025–006; SR–NSCC–2025–003).

[8] Amendment No. 1 is *available at https://www.dtcc.com/-/media/Files/Downloads/legal/rule-filings/2025/DTC/SR-DTC-2025-003.pdf.*

[9] 15 U.S.C. 78s(b)(2)(B).

[10] The Clearing Agencies are each a subsidiary of The Depository Trust & Clearing Corporation (''DTCC''). DTCC operates on a shared service model with respect to the Clearing Agencies. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides relevant services to the Clearing Agencies.

[11] Securities Exchange Act Release Nos. 102711 (Mar. 21, 2025), 90 FR 13926 (Mar. 27, 2025) (SR–NSCC–2025–003); 102713 (Mar. 21, 2025), 90 FR 13942 (Mar. 27, 2025) (SR–FICC–2025–006); and 102712 (Mar. 21, 2025), 90 FR 13919 (Mar. 27, 2025) (SR–DTC–2025–003) (collectively, ''Original Filings'').

[12] Rule 60A of the NSCC Rules & Procedures (''NSCC Rules''), Rule 50A of the FICC Government Securities Division (''FICC–GSD'') Rulebook (''FICC–GSD Rules''), Rule 40A of the FICC Mortgage-Backed Securities Division (''FICC–MBSD'') Clearing Rules (''FICC–MBSD Rules''), and Rule 38(A) of the Rules, By-Laws and Organization Certificate of DTC (''DTC Rules'') (collectively, the ''Disruption Rules''), *available at https://www.dtcc.com/legal/rules-and-procedures.*

[13] Capitalized terms not otherwise defined herein have the meaning as set forth in the respective rules of the Clearing Agencies, *available at https://www.dtcc.com/legal/rules-and-procedures,* or in the Original Filings, *supra* note 11.

[14] Letter from Stephen Byron, Managing Director, Head of Operations, Technology, Cyber & BCP, SIFMA (Apr. 17, 2025). SIFMA also submitted an earlier, two-page letter, on April 16, 2025, requesting additional time to submit a comment letter to the Original Proposal and highlighting some potential concerns that were then covered in the follow-up SIFMA Letter. Letter from Stephen Byron, Managing Director, Head of Operations, Technology, Cyber & BCP, SIFMA (Apr. 16, 2025).

[15] Original Filings, *supra* note 11.

the proposed rule changes would only apply to the DTCC Systems Participant of the corresponding Clearing Agency or Clearing Agencies.

On April 17, 2025, SIFMA submitted the SIFMA Letter.[16] Based on comments made in the SIFMA Letter and further review of the Original Proposal, the Clearing Agencies are now filing this Amendment No. 1.

This Amendment No. 1 would modify the Original Proposal by (i) amending the proposed definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and proposing to add Third-Party Provider as a new defined term; (ii) simplifying the notification requirements and requested details of a Participant System Disruption; (iii) allowing for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) making technical, ministerial, and other conforming and clarifying changes, as discussed below.

Current Disruption Rules & Original Proposal

The Clearing Agencies' current Disruption Rules contain provisions identifying the events or circumstances that would be considered a Major Event.[17] During the pendency of a Major Event, the Disruption Rules authorize the Clearing Agencies to take certain actions, within a prescribed governance framework, to mitigate the effect of the Major Event on the Clearing Agencies, their respective members or participants as defined in the respective rules of the applicable Clearing Agency (hereinafter, ''Respective Participants''),[18] their Affiliates, and the industry more broadly.[19]

The Original Proposal proposed to and would continue to (i) update and add definitions used throughout the Disruption Rules; (ii) update the provisions and governance for declaring a Major Event (which would be redefined as a Major System Event [20]); (iii) clarify and enhance the requirements of the DTCC Systems Participant, as amended below, to notify the Clearing Agencies of a Systems Disruption (which would be redefined as a Participant System Disruption, as amended below); (iv) add provisions incorporating the reporting, testing, and approval requirements, process, legal obligations, and governance necessary for ''reconnection'' (as defined by the Original Proposal) [21] of a DTCC Systems Participant that was ''disconnected'' from DTCC Systems [22] pursuant to a Disruption Rule; and (v) make technical, ministerial, and other conforming and clarifying changes, including updating the name of the Disruption Rules.[23] Other than the below described amendments proposed in this Amendment No. 1, the proposed changes of the Original Proposal remain.

Proposed Amendments

As noted above, based on comments raised in the SIFMA Letter and further review of the Original Proposal, the Clearing Agencies are filing this Amendment No. 1 to (i) amend the proposed definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and to add Third-Party Provider as a new defined term; (ii) simplify the notification requirements and reporting details of a Participant System Disruption; (iii) allow for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) make technical, ministerial, and other conforming and clarifying amendments, as described below.

1. Definitional Amendments

DTCC Systems Participant—''DTCC Systems Participant'' is currently defined in Section 1 of the Disruption Rules as, ''a [Respective Participant], or third party service provider, or service bureau that is connecting with the DTCC Systems.'' [24] Pursuant to the Original Proposal, DTCC Systems Participant would have been redefined in the Disruption Rules as, ''(A) any [Respective Participant], or an Affiliate of any [Respective Participant], that directly or indirectly connects with DTCC Systems; or (B) any third-party service provider, service bureau, or other similar entity that directly or indirectly connects with DTCC Systems on behalf of or for the benefit of any [Respective Participant], or an Affiliate of any [Respective Participant].'' [25]

In consideration of the comments raised by SIFMA, generally,[26] and after further review of the proposed definition, the Clearing Agencies believe that the proposed definition of DTCC Systems Participant could be drafted differently to better reflect the entities that the definition is intended to cover (*i.e.,* Respective Participants connected to DTCC Systems directly and third-party service providers connected to DTCC Systems on behalf of or for the benefit of Respective Participants). Therefore, the Clearing Agencies propose to amend the proposed definition to simply state that a DTCC Systems Participant is ''any [Respective Participant] that connects with DTCC Systems either directly or indirectly via a Third-Party Provider.''

Systems Disruption/Participant System Disruption—''Systems Disruption'' is currently defined in Section 1 of the Disruption Rules as, ''the unavailability, failure, malfunction, overload, or restriction (whether partial or total) of a DTCC Systems Participant's

[16] SIFMA Letter, *supra* note 14.

[17] ''Major Event'' is currently defined in the Disruption Rules as, ''the happening of one or more System Disruption(s) that is reasonably likely to have a significant impact on the Corporation's operations, including the DTCC Systems, that affect the business, operations, safeguarding of securities or funds, or physical functions of the Corporation, [Respective Participants] and/or other market participants.'' Disruption Rules, *supra* note 12, Section 1.

[18] Under the current Disruption Rules, Respective Participants for NSCC are Members and Limited Members; for DTC, Participants; for FICC–GSD and FICC–MBSD, Members. Disruption Rules, *supra* note 12, Section 1. Under the Original Proposal, Respective Participants for NSCC will be Members, Limited Members, and Sponsored Members; for DTC, Participants, Limited Participants, and Pledgees; for FICC–GSD, Netting Members, CCIT Members, Comparison Only Members, and Funds-Only Settling Bank Members; and for FICC–MBSD, Members, Clearing Members, and Cash Settling Bank Members. Original Filings, *supra* note 11.

[19] *See* Disruption Rules, *supra* note 12, Section 1.

[20] Pursuant to this proposed rule change, Major Event would be deleted and replaced with ''Major System Event,'' to be defined as, ''a Participant System Disruption that has or is reasonably anticipated to, for example, disrupt, degrade, cause a delay in, interrupt or otherwise alter the normal operation of DTCC Systems; result in unauthorized access to DTCC Systems; result in the loss of control of, disclosure of, or loss of DTCC Confidential Information; or cause a strain on, loss of, or overall threat to the Corporation's resources, functions, security or operations.''

[21] Pursuant to the Original Proposal, ''Reconnection'' would be defined as the reestablishment of connectivity between DTCC Systems and the DTCC Systems Participant that was the subject of action taken pursuant to a Disruption Rule. Original Filings, *supra* note 11.

[22] ''DTCC Systems'' is currently defined in the Disruption Rules as, ''the systems, equipment and technology networks of DTCC, the Corporation and/or their Affiliates, whether owned, leased, or licensed, software, devices, IP addresses, or other addresses or accounts used in connection with providing the services set forth in the Rules, or used to transact business or to manage the connection with the Corporation.'' Disruption Rules, *supra* note 12, Section 1. Pursuant to the Original Proposal, the definition would be updated to mean ''the systems, equipment and technology networks of DTCC, the Corporation and/or any Affiliates of DTCC or the Corporation, whether owned, leased, or licensed, and including software, hardware, applications, devices, IP addresses, or other addresses or accounts used in connection with such systems, equipment and technology networks, to provide the services set forth in these [Rules & Procedures/Rules and the Procedures/Rules], or otherwise used to transact business or connect with DTCC, the Corporation, or any Affiliates of DTCC or the Corporation.'' Original Filings, *supra* note 11.

[23] Original Filings, *supra* note 11 (providing specifics of each proposed change of the Original Proposal).

[24] Disruption Rules, *supra* note 12, Section 1.

[25] Original Filings, *supra* note 11.

[26] SIFMA Letter, *supra* note 14.

systems that disrupts or degrades the normal operation of such DTCC Systems Participant's systems; or anything that impacts or alters the normal communication, or the files that are received, or information transmitted, to or from the DTCC Systems.'' [27] Pursuant to the Original Proposal, Systems Disruption would be deleted and replaced with ''Participant System Disruption,'' which would have been defined as, ''the actual or reasonably anticipated unauthorized access to, or unavailability, failure, malfunction, overload, corruption, or restriction (whether partial or total) of one or more systems of a DTCC Systems Participant.'' [28]

In consideration of the comments raised by SIFMA,[29] and after further review of the proposed definition, the Clearing Agencies believe that the proposed definition of Participant System Disruption could be interpreted too broadly. The proposed definition is intended to capture only disruptions to systems connected to DTCC Systems, whether via a direct connection from the Respective Participant or through the Respective Participant's third-party service provider. It is not intended to capture every disruption to every system of the Respective Participant or its provider. Therefore, the Clearing Agencies propose to amend the proposed definition to a narrower list of ''incidents'' and explicitly state that the systems in scope are only those ''connected to DTCC Systems.'' Specifically, the amended definition of Participant System Disruption would read, ''an incident resulting from the unintended or unauthorized access to, or the malfunction or corruption (whether partial or total) of one or more systems, of a DTCC Systems Participant or its Third-Party Provider, connected to DTCC Systems.''

Third-Party Cybersecurity Firm—The Original Proposal proposed to add the definition ''Third-Party Cybersecurity Firm'' to the Disruption Rules to mean, ''a firm that, in [the Clearing Agencies'] reasonable judgement, (A) (i) is well-known and reputable; (ii) is not affiliated with DTCC, [the Clearing Agencies], an Affiliate of DTCC or [the Clearing Agencies], a DTCC Systems Participant, or an Affiliate of a DTCC Systems Participant; (iii) specializes in financial-sector cybersecurity; and (iv) employs Best Practices; or (B) is otherwise determined to be a Third-Party Cybersecurity Firm by [the Clearing Agencies].'' [30]

In consideration of the comments raised by SIFMA,[31] and after further review of the proposed definition, the Clearing Agencies believe that the ''not affiliated with'' language and the ''specializes'' term in the definition could be clearer and simpler. Accordingly, the Clearing Agencies propose to amend the definition of Third-Party Cybersecurity Firm to (i) remove the proposed ''not affiliated with'' language and, instead, simply state that the Third-Party Cybersecurity Firm cannot be the subject DTCC Systems Participant, an Affiliate thereof, or a Third-Party Provider thereof; and (ii) replace ''specialized'' with ''experienced,'' a more objective standard.

Third-Party Provider—The Original Proposal did not include a separate defined term to cover Affiliates of Respective Participants, third-party service providers, service bureaus, or other similar entities that connect to DTCC Systems on behalf of or for the benefit of the Respective Participant. Rather, the Original Proposal attempted to capture such entities and such connectivity via the proposed DTCC Systems Participant definition.[32]

In consideration of the comments raised by SIFMA, generally,[33] and after further review of how the DTCC Systems Participant definition worked throughout the Disruption Rules, the Clearing Agencies believe a new, separate defined term would be clearer, simpler, and better capture the intended purpose (*i.e.,* to cover a DTCC Systems Participant's third-party connections). Therefore, the Clearing Agencies propose to add the definition ''Third-Party Provider,'' which would mean, ''an Affiliate of any [Respective Participant], or a third-party service provider, service bureau or other similar entity, that connects to DTCC Systems on behalf of or for the benefit of a DTCC Systems Participant.''

This proposed amendment also would work to accommodate the proposed amendments to the definitions of DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, described above. Additionally, with this amendment and the proposed amendment to the definition of DTCC System Participant, the Respective Participants would be the sole the responsible parties under the Disruption Rules, whether they connect directly or indirectly to DTCC Systems. As such, the Clearing Agencies propose to amend Section 7(e) of the Disruption Rules in the Original Proposal to remove language that was originally proposed to cover entities that may not be Respective Participants.[34]

2. Notice and Reporting Amendments

Section 2(a) of the Disruption Rules in the Original Proposal required, in part, a DTCC Systems Participant experiencing a Participant System Disruption to notify the applicable Clearing Agency of the disruption ''on behalf of itself and any Affiliate of the DTCC Systems Participant. . . .'' [35] It also required in Section 2(b) that a DTCC Systems Participant that had ''actual knowledge that an unaffiliated DTCC Systems Participant [was] experiencing a Participant System Disruption'' to notify the applicable Clearing Agency, if legally permitted to do so.[36]

In consideration of the comments raised by SIFMA,[37] and after further review of those proposed requirements, the Clearing Agencies no longer believe that the proposed ''and any Affiliate'' language in Section 2(a) and the entire language in Section 2(b) are needed. Rather, the Clearing Agencies believe that the intended purpose of those requirements (*i.e.,* to cover a DTCC Systems Participant's third-party connections) is now better addressed with the proposed definitional amendments described above. Therefore, the Clearing Agencies propose to amend Section 2(a) by removing the ''and any Affiliate'' language, and Section 2(b) by removing it completely. As such, proposed Section 2(c) would now become proposed Section 2(b) and certain reference language would be updated accordingly.

Section 2(c) of the Disruption Rules in the Original Proposal, which would now be amended Section 2(b), as noted immediately above, proposes a list of information to be reported to the applicable Clearing Agency, by the DTCC Systems Participant, regarding the Participant System Disruption.[38] With this Amendment No. 1, the Clearing Agencies propose some technical changes to simplify the originally proposed language and clarify the information requested in the proposed Contact Information and Scope subsections. Additionally, in

[27] Disruption Rules, *supra* note 12, Section 1.

[28] Original Filings, *supra* note 11.

[29] SIFMA Letter, *supra* note 14, at 2–4.

[30] Original Filings, *supra* note 11.

[31] SIFMA Letter, *supra* note 14, at 4–5.

[32] Original Filings, *supra* note 11.

[33] SIFMA Letter, *supra* note 14.

[34] Original Filings, *supra* note 11.

[35] *Id.*

[36] *Id.*

[37] SIFMA Letter, *supra* note 14, at 6.

[38] Original Filings, *supra* note 11.

consideration of the comments raised by SIFMA,[39] and after further review of the proposed requirements, the Clearing Agencies propose to amend the Notice subsection to only request notices and other information regarding the Participant System Disruption that has been made ''public.'' Although the originally proposed language did limit the request to only notices and information that could be provided legally, the scope of the language was arguably too broad, which the proposed amendment now addresses.

3. Third-Party Cybersecurity Firm Report Amendment

Section 5 of the Disruption Rules in the Original Proposal required, in part, that prior to reestablishing connectivity to DTCC Systems pursuant to the Disruption Rules, the subject DTCC Systems Participant must provide the applicable Clearing Agency with a detailed, comprehensive, and auditable report from a Third-Party Cybersecurity Firm.[40] In consideration of the comments raised by SIFMA,[41] and after further review of the proposed requirements, the Clearing Agencies propose to amend that requirement to also allow a ''summary'' of such report, in lieu of providing the report itself, in order to alleviate concerns about potentially providing the Clearing Agencies with material, non-public information, notwithstanding the fact that the Clearing Agencies would need to maintain any confidential information accordingly pursuant to their existing rules.[42]

4. Technical, Ministerial, and Other Conforming and Clarifying Amendments

Based on the proposed amendments described above, and after further review of the overall language of the Original Proposal, the Clearing Agencies propose to make a handful of technical, ministerial, and other conforming and clarifying amendments, such as removing unneeded terms, updating terms, modifying language, and reorganizing sentence structure.

2. Statutory Basis

The Clearing Agencies believe that the proposed amendments in this Amendment No. 1 are consistent with the requirements of the Act and the rules and regulations thereunder applicable to each of the Clearing Agencies. In particular, the Clearing Agencies believe that the proposed amendments are consistent with Section 17A(b)(3)(F) of the Act[43] and Rule 17ad–22(e)(17)(i) promulgated under the Act,[44] as described below.

Consistency With Section 17A(b)(3)(F)

Section 17A(b)(3)(F) of the Act[45] requires, in part, that the rules of the Clearing Agencies be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to assure the safeguarding of securities and funds which are in the custody or control of the Clearing Agencies or for which they are responsible.

As described above, the Clearing Agencies are filing this Amendment No. 1 to (i) amend the definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and to add Third-Party Provider as a new defined term; (ii) simplify the notification requirements and reporting details of a Participant System Disruption; (iii) allow for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) make technical, ministerial, and other conforming and clarifying amendments.

The Clearing Agencies believe that these proposed amendments would improve Respective Participants' ability to understand and comply with the overall proposed changes to the Disruption Rules because the amendments simplify and clarify the Original Proposal and are primarily in response to Respective Participants' concerns outlined in the SIFMA Letter. By improving compliance with the Disruption Rules, the Clearing Agencies would be better positioned to identify a Participant System Disruption and then take action because of such disruption, as needed. In other words, the proposed amendments help mitigate risk and better protect the Clearing Agencies, their Respective Participants, and the industry more broadly from a Major System Event. By helping to mitigate risk and better protect those parties, the Clearing Agencies would be better situated to promote the prompt and accurate clearance and settlement of securities transactions and better safeguard securities and funds that are in their custody or control, consistent with Section 17A(b)(3)(F) of the Act.[46]

Consistency With Rule 17ad–22(e)(17)(i)

Rule 17ad–22(e)(17)(i) promulgated under the Act[47] requires that the Clearing Agencies establish, implement, maintain, and enforce written policies and procedures reasonably designed to manage operational risks by identifying plausible sources of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures, and controls.

The Clearing Agencies are filing this Amendment No. 1 to (i) amend the definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and to add Third-Party Provider as a new defined term; (ii) simplify the notification requirements and reporting details of a Participant System Disruption; (iii) allow for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) make technical, ministerial, and other conforming and clarifying amendments, each of which were described above.

By providing greater clarity and simplicity in the definitions of the parties that are the subject of the Disruption Rules, and also clarifying and simplifying what information needs to be reported to the Clearing Agencies in the event of a Participant System Disruption or a DTCC Systems Participant looking to reconnect to DTCC Systems, this Amendment No. 1 would improve the Clearing Agencies' ability to identify and collect information about applicable disruptions experienced by the entities connected to DTCC Systems, whether the Respective Participant is connected directly or indirectly via a Third-Party Provider. With better information, the Clearing Agencies could react more quickly and effectively to the disruption, in protection of their systems, as well as the systems of other entities connected to the Clearing Agencies. Therefore, these amendments better position the Clearing Agencies to identify and address operational risk presented by a Participant System Disruption, consistent with the requirements of Rule 17ad–22(e)(17)(i) promulgated under the Act.[48]

(B) Clearing Agency's Statement on Burden on Competition

The Clearing Agencies do not believe the proposed amendments in this Amendment No. 1 would have any impact on competition because they are

[39] SIFMA Letter, *supra* note 14, at 7.

[40] Original Filings, *supra* note 11.

[41] SIFMA Letter, *supra* note 14, at 8–9.

[42] DTC Rule 2, Section 1; NSCC Rule 2A, Sec. 1.C; FICC–GSD Rule 2A, Section 5; FICC–MBSD Rule 2A, Section 6, *available at https://www.dtcc.com/legal/rules-and-procedures.*

[43] 15 U.S.C. 78q–1(b)(3)(F).

[44] 17 CFR 240.17ad–22(e)(17)(i).

[45] 15 U.S.C. 78q–1(b)(3)(F).

[46] *Id.*

[47] 17 CFR 240.17ad–22(e)(17)(i).

[48] *Id.*

only simplifying, clarifying, and improving definitions; limiting notice and reporting requirements; allowing for the submission of a summary report; and making a handful of technical, ministerial, and other conforming and clarifying amendments overall, which the Clearing Agencies do not believe would have any effect on a Respective Participant's competitive position.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Clearing Agencies have not received or solicited any written comments relating to this Amendment No. 1. If any written comments are received, the Clearing Agencies will amend their respective filings to publicly file such comments as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting written comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on How to Submit Comments, available at *https://www.sec.gov/regulatory-actions/how-to-submit-comments*. General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

The Clearing Agencies reserve the right to not respond to any comments received.

III. Proceedings To Determine Whether To Approve or Disapprove SR–DTC–2025–003, as Modified by Amendment No. 1, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act [49] to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[50] 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 Exchange Act [51] and the rules thereunder, including the following provisions:

- Section 17A(b)(3)(F) of the Exchange Act,[52] 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; to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions; and, in general, to protect investors and the public interest;
- Section 17A(b)(3)(I) of the Exchange Act,[53] which requires that the rules of a clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act;
- Rule 17ad–22(e)(2)(i) and (v) under the Exchange Act,[54] which requires that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility; and
- Rule 17ad–22(e)(17)(i) under the Exchange Act,[55] which requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to manage operational risks by identifying plausible sources of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures, and controls.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal, as modified by Amendment No. 1. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Sections 17A(b)(3)(F) and (b)(3)(I) [56] of the Exchange Act and Rules 17ad–22(e)(2)(i), (e)(2)(v), and (e)(17)(i) [57] under the Exchange Act, or any other provision of the Exchange Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[58]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by July 18, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by August 1, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–DTC–2025–003 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR–DTC–2025–003. This file

[49] 15 U.S.C. 78s(b)(2)(B).

[50] *Id.*

[51] 15 U.S.C. 78q–1.

[52] 15 U.S.C. 78q–1(b)(3)(F).

[53] 15 U.S.C. 78q–1(b)(3)(I).

[54] 17 CFR 240.17ad–22(e)(2)(i) and (v).

[55] 17 CFR 240.17ad–22(e)(17)(i).

[56] 15 U.S.C. 78q–1(b)(3)(F) and (b)(3)(I).

[57] 17 CFR 240.17ad–22(e)(2)(i), (e)(2)(v), and (e)(17)(i).

[58] Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of DTC and on DTCC's website (*https://dtcc.com/legal/sec-rule-filings.aspx*). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–DTC–2025–003 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11879 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103318; File No. SR–IEX–2025–11]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend IEX Rule 11.190(g) To Add a Quote Imbalance Indicator

June 24, 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 12, 2025, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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

Pursuant to the provisions of Section 19(b)(1) under the Act,[4] and Rule 19b–4 thereunder,[5] the Exchange is filing with the Commission a proposed rule change to amend IEX Rule 11.190(g) to introduce a new proprietary mathematical calculation designed to identify periods of quote imbalance in a particular security. As proposed, Users[6] seeking to employ a relatively passive trading strategy would be able to submit Discretionary Peg (''D-Peg'')[7] and primary peg (''P-Peg'')[8] orders with an instruction to not exercise price discretion during periods of quote imbalance. The Exchange has designated this proposal as non-controversial and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act.[9]

The text of the proposed rule change is available at the Exchange's website at *https://www.iexexchange.io/resources/regulation/rule-filings,* 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 the 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 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend IEX Rule 11.190(g) to introduce a new proprietary mathematical calculation (the ''quote imbalance indicator'' or ''QII'') to make ''quote imbalance'' determinations for each security (*i.e.,* to turn ''on'' when it assesses there is an imbalance in the supply and demand for that particular security).[10] As proposed, for D-Peg and P-Peg orders, which are non-displayed order types, the QII would be an alternative to IEX's existing ''crumbling quote indicator'' or ''CQI''.[11]

The CQI is an IEX proprietary mathematical calculation, which is designed to assess the probability of an imminent change to the current Protected NBB[12] to a lower price or an imminent change to the current Protected NBO[13] to a higher price for a particular security (*i.e.,* a ''quote instability'' determination). When the CQI makes a quote instability determination, it turns ''on'' for a period of two milliseconds; when the CQI is on, it restricts D-Peg and P-Peg orders resting on the Order Book from exercising discretion to meet the price of an active order.[14] As proposed, when the QII turns ''on'', it would remain on until it determines there is no longer a quote imbalance for that particular security; as with the CQI, when it is ''on'', the QII will restrict D-Peg and P-Peg orders from exercising quote discretion to meet the price of an active order.

The Exchange expects the QII to be ''on'' for greater portions of Regular Market Hours[15] than the CQI, and believes that Users[16] seeking to employ

[59] 17 CFR 200.30–3(a)(12) and (a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] *See* IEX Rule 1.160(qq).

[7] *See* Rule 11.190(b)(10).

[8] *See* Rule 11.190(b)(8).

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] *See* proposed IEX Rule 11.190(g)(2).

[11] *See* IEX Rule 11.190(g)(1).

[12] *See* IEX Rule 1.160(cc).

[13] *See* IEX Rule 1.160(cc).

[14] As described below, the CQI is used by two other order types: Discretionary Limit (''D-Limit'') and Corporate Discretionary Peg (''C-Peg'') orders. However, the proposed QII would not be used by D-Limit orders, which, as described below, use the CQI to determine whether to reprice a displayed or non-displayed D-Limit order. Additionally, the proposed QII would not be used by C-Peg orders, because C-Peg orders are essentially D-Peg orders with an additional price constraint (based on the last reported sale price), which IEX believes would not provide any benefits to Users who can already use D-Peg as part of their trading strategy.

[15] *See* IEX Rule 1.160(gg).

[16] Pursuant to IEX Rule 1.160(qq), a User means any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to IEX Rule 11.130. Member is defined in IEX Rule 1.160(s), and Sponsored Participant is defined in IEX Rule 1.160(ll).

a comparatively more passive trading strategy may prefer to utilize the QII rather than the CQI for D-Peg and/or P-Peg orders. Accordingly, IEX proposes to amend IEX Rule 11.190(b)(10) and 11.190(b)(8) to allow Users to submit D-Peg and P-Peg orders with an instruction that the System [17] apply either the QII or the CQI, when determining whether to restrict the orders' exercise of price discretion.

Additionally, IEX proposes to make several conforming edits to IEX Rule 11.190(g), which is currently titled ''Quote Stability.'' Because the proposed QII would assess quote imbalances, and not quote instability, IEX proposes to rename IEX Rule 11.190(g) with the title ''Quote Dynamics'' to reflect that it contains two different indicators of the state of quoting in any particular security.

Background

IEX currently uses one proprietary mathematical calculation, the ''CQI'', to make quote instability determinations for all D-Peg, P-Peg, C-Peg,[18] and D-Limit [19] orders. The Exchange has made incremental changes to optimize and enhance the effectiveness of the CQI in determining whether a crumbling quote exists several times since Exchange launch.[20] In 2022, the Exchange introduced the current iteration of the CQI [21] and until recently offered Users the option of applying either the current or a prior iteration of the CQI to their D-Peg, P-Peg, and C-Peg orders.[22] In 2025, IEX retired the prior iteration of the CQI based upon the similarity between the two CQIs, as well as the higher usage and incrementally better performance of the current CQI.[23] The current CQI is comprised of nine separate rules (''quote instability rules'')—each with specific conditions based on either the price, size, or price and size of the Protected Quotations [24] of eleven exchanges (the ''Signal Exchanges'').[25] Each of the nine quote instability rules can trigger a quote instability determination for either the Protected NBB or Protected NBO of a particular security.[26]

IEX periodically reviews the performance of the CQI in predicting whether the Protected NBB or Protected NBO is in the process of moving to a less aggressive price, and any potential alternative approaches that would help counter the costs of ''adverse selection'' that participants supplying liquidity incur when their orders are executed at less desirable prices during periods of quote instability. Based on that review, IEX developed the QII. Based on extensive testing, IEX believes that QII is rigorously sound, supported by market data analysis, and consistent with the Act as described below.

The QII is designed to determine whether there is an imbalance in the market for a particular security, thereby indicating that the market for the security may be in transition. Like the CQI, the QII is comprised of a set of rules that can turn it ''on'' or ''off. These rules, when ''on,'' enable the QII to restrict discretion for D-Peg and P-Peg orders during periods of quote imbalance.

Based on informal feedback from Members,[27] IEX understands that different firms may prefer different levels of coverage for non-displayed orders, *i.e.,* how frequently a D-Peg or P-Peg order refrains from exercising price discretion to meet the price of an incoming order in response to either quote instability or a quote imbalance. In particular, IEX understands that certain market participants seek to avoid execution of orders at less optimal times to trade and thus deprioritize ''fill rates'' (*i.e.,* measuring the frequency and speed with which orders are filled). In other words, in deploying such passive trading strategies, these market participants' primary goal is to prevent executions during potentially unstable market conditions even if the passive trading strategies may prevent some trading opportunities. IEX believes that providing a more passive alternative to the CQI for D-Peg and P-Peg orders would be responsive to these objectives. IEX thus proposes to add the QII as an alternative indicator, in addition to the CQI, that Users may apply to D-Peg and P-Peg orders.

The Exchange is not proposing to make any changes to the use of C-Peg or D-Limit orders, both of which will continue to use only the CQI.

Proposal

The Exchange proposes to introduce a new proprietary mathematical calculation, the Quote Imbalance Indicator or QII, to make quote imbalance determinations for each security during Regular Market Hours (independently assessing whether the Protected NBB and Protected NBO are imbalanced). As explained below, the QII would turn ''on'' during periods when the QII identifies a quote imbalance for either the Protected NBB, the Protected NBO, or the Protected NBBO on a security-by-security basis; and would remain ''on'' until it identifies that a security's quote is no longer imbalanced. As described below, the QII is expected, on average, to be ''on'' for approximately 400 milliseconds each time in turns on, compared to two milliseconds for the CQI. Since the QII remains ''on'' for the duration of a quote imbalance, its duration per instance is longer than the CQI. As a result, the QII is expected to be ''on'' for, on average, two and one half hours of each trading day on either the bid or offer side.[28] Therefore, by design, the QII would restrict D-Peg and P-Peg orders from exercising discretion for a larger period of the trading day, which will be understood by the Users who submit D-Peg and P-Peg orders with a designation to apply the QII, because, as detailed below, applying the QII to a D-Peg or P-Peg order allows a User to seek executions in more stable market conditions, in exchange for not being eligible to exercise discretion to trade for as much of the day. When a User submits a D-Peg or P-Peg order to IEX, the User would be able to designate whether to apply the QII or CQI to the order.[29]

As proposed, the QII will be comprised of three quote imbalance rules, any of which can turn the QII

[17] *See* IEX Rule 1.160(nn).

[18] *See* IEX Rule 11.190(b)(16).

[19] *See* IEX Rule 11.190(b)(7).

[20] *See* Securities Exchange Act Release 78510 (August 9, 2016), 81 FR 54166 (August 15, 2016) (SR–IEX–2016–11); Securities Exchange Act Release No. 80202 (March 10, 2017), 82 FR 14058 (March 16, 2017) (SR–IEX–2017–06); and Securities Exchange Act Release No. 83048 (April 13, 2018), 83 FR 17467 (April 19, 2018) (SR–IEX–2018–07).

[21] *See* Securities Exchange Act Release No. 96014 (October 11, 2022), 87 FR 62903 (October 17, 2022) (''CQI Proposal''); Securities Exchange Act Release No. 96416 (December 1, 2022), 87 FR 75099 (December 7, 2022) (''CQI Approval Order'') (SR–IEX–2022–06).

[22] *See* Securities Exchange Act Release No. 102556 (March 10, 2025), 90 FR 12195 (March 14, 2025) (SR–IEX–2025–04) (''Prior CQI Retirement Filing'').

[23] *See* Prior CQI Retirement Filing, *supra* note 22.

[24] *See* IEX Rule 1.160(bb).

[25] The Signal Exchanges are ARCX; BATY; BATS; EDGA; EDGX; EPRL; MEMX; XBOS; XNGS; XNYS; and XPHL. *See* IEX Rule 11.190(g).

[26] Quote instability rules must also be ''active'' to trigger a quote instability determination; the rules become active or inactive based upon a dynamic performance review designed to optimize the frequency and accuracy of each rule. *See* IEX Rule 11.190(g)(1)(D).

[27] *See* IEX Rule 1.160(s).

[28] As noted above, the QII can turn ''on'' for either the bid side, the offer side, or both sides. IEX expects the QII to be ''on'' for both sides for approximately 27 minutes per day.

[29] As noted, *supra,* in note 14, IEX is not proposing to allow Users to submit C-Peg orders with an instruction to apply the QII because C-Peg orders, by definition, are designed for a specific use case of assisting Users with compliance with specified aspects of the Rule 10b–18 safe harbor for stock buybacks. *See* Securities Exchange Act Release 87019 (September 19, 2019), 84 FR 50485 (September 25, 2019) (SR–IEX–2019–10) (Notice of Filing and Immediate Effectiveness of C-Peg order type).

''on'' (*i.e.,* the QII will be ''off'' only when none of the three quote imbalance rules' conditions are satisfied for a particular security). Like the CQI, the QII will be a fixed formula specified transparently in IEX's rules.

As described in detail below, the three quote imbalance rules independently assess: (1) whether the ''Book Skew'' [30] of a particular security exceeds a predefined threshold value set forth in the rule; (2) whether there is an ''Order Flow Imbalance'' [31] for a particular security in excess of a predefined threshold value set forth in the rule; and (3) whether there is a sufficient amount of displayed interest in a particular security.[32]

As noted above, the QII is based upon the CQI. Specifically, the QII utilizes several of the same variables as the CQI, *i.e.,* ''Signal Best Bid'', ''Signal Best Offer'', ''Aggregate Best Bid Size'', ''Aggregate Best Offer Size'', ''Previous Aggregate Best Bid Size'', ''Previous Aggregate Best Offer Size'', ''Previous Signal Best Bid'', ''Previous Signal Best Offer'', ''Signal Spread'', and ''Update''.[33] Thus, much of the functionality of the proposed quote instability rules discussed below has already been considered and approved by the Commission, and which has been refined by IEX several times since Exchange launch. As explained below, the QII takes these common variables, and the common approach of applying real-time market data to a set of rules that can turn the indicator ''on'' or ''off'' and employs them in an alternative, more passive, indicator.

The QII also introduces several new variables, which are derived from the same data used by the CQI. These variables are:

- ''Signal Bid Delta'', which is determined based on the relationship between the Signal Best Bid and the Previous Signal Best Bid. Specifically: (i) if the Signal Best Bid is greater than the Previous Signal Best Bid, then the Signal Bid Delta is equal to the Aggregate Best Bid Size; (ii) if the Signal Best Bid is less than the Previous Signal Best Bid, then the Signal Bid Delta is equal to the Previous Aggregate Best Bid Size times negative one (1) (*i.e.,* the negative value of the Previous Aggregate Best Bid Size); or (iii) if the Signal Best Bid is equal to the Previous Signal Best Bid, then the Signal Bid Delta is equal to the Aggregate Best Bid Size minus the Previous Aggregate Best Bid Size.
- ''Signal Offer Delta'', which is determined based on the relationship between the Signal Best Offer and the Previous Signal Best Offer. Specifically: (i) if the Signal Best Offer is less than the Previous Signal Best Offer, then the Signal Offer Delta is equal to the Aggregate Best Offer Size; (ii) if the Signal Best Offer is greater than the Previous Signal Best Offer, then the Signal Offer Delta is equal to the Previous Aggregate Best Offer Size times negative one (1) (*i.e.,* the negative value of the Previous Aggregate Best Offer Size); or (iii) if the Signal Best Offer is equal to the Previous Signal Best Offer, then the Signal Offer Delta is equal to the Aggregate Best Offer Size minus the Previous Aggregate Best Offer Size.
- ''Lookback Window'' [34] is equal to: (i) the preceding 10 milliseconds if the Signal Spread is less than or equal to one cent ($0.01); or (ii) the preceding 100 milliseconds if the Signal Spread is greater than one cent ($0.01).
- ''Bid Imbalance'' is equal to the Signal Offer Delta minus the Signal Bid Delta. Bid Imbalance is measured each time there is an Update to the Quote during the Lookback Window.
- ''Signal Bid Delta Imbalance'' is equal to the sum of the Bid Imbalance values calculated during the Lookback Window (considering only up to a maximum of the most recent 128 Updates during the Lookback Window).
- ''Offer Imbalance'' is equal to the Signal Bid Delta minus the Signal Offer Delta. Offer Imbalance is measured each time there is an Update to the Quote during the Lookback Window.
- ''Signal Offer Delta Imbalance'' is equal to the sum of the Offer Imbalance values calculated during the Lookback Window (considering only up to a maximum of the most recent 128 Updates during the Lookback Window).
- ''Delta Imbalance Threshold'' is equal to twenty (20) times round lot multiples if the Signal Spread is less than or equal to one cent ($0.01) or is equal to zero (0) if the Signal Spread is greater than one cent ($0.01).
- ''Bid Book Skew'' is equal to the logarithm of the Aggregate Best Offer Size minus the logarithm of the Aggregate Best Bid Size.
- ''Offer Book Skew'' is equal to the logarithm of the Aggregate Best Bid Size minus the logarithm of the Aggregate Best Offer Size.
- ''Book Skew Imbalance Threshold'' is equal to 0.4 if the Signal Spread is less than or equal to one cent ($0.01) or is equal to 0.7 if the Signal Spread is greater than one cent ($0.01).

Like the CQI, the QII would apply the variables specified above to the three quote imbalance rules, each of which can turn ''on'' the QII for a particular security for either the bid side, offer side, or both the bid and offer side. Typically, the QII would only turn ''on'' for one side of a security (the imbalanced side of the market) but there are circumstances when the QII will be ''on'' for both the bid and offer sides. Specifically, the QII will be on for both sides of a security either when there is very minimal volume of displayed interest in the security at the Protected NBB and Protected NBO, or when the Book Skew Rule and Order Flow Imbalance Rule each indicate an imbalance for opposite sides of the security.

- *Book Skew Rule:* Rule Bid (Offer) BS indicates a period of quote imbalance if the Bid (Offer) Book Skew is greater than the Book Skew Imbalance Threshold.[35]
- *Order Flow Imbalance Rule:* Rule Bid (Offer) OFI indicates a period of quote imbalance if the Signal Bid (Offer) Delta Imbalance is greater than the Delta Imbalance Threshold.[36]
- *Minimum Size Rule:* Rule Bid (Offer) MS indicates a period of quote imbalance if the product of the Signal Best Bid (Offer) and the Aggregate Best Bid (Offer) Size is less than one thousand dollars ($1,000).[37]

On a security-by-security basis, if the specified conditions of any of the quote imbalance rules are met, then the System will turn ''on'' the QII for that security.

One difference between the CQI and the QII is that the QII uses different values for three variables when making quote imbalance determinations for securities with spreads of $0.01 or less (''narrow spread symbols'') than it does for all other symbols. Specifically, the QII's Lookback Window, which is used by the Order Flow Imbalance rules, is limited to 10 milliseconds for narrow spread symbols and 100 milliseconds for all other symbols.[38] Additionally, as proposed, the Book Skew Imbalance Threshold will be .4 for narrow spread symbols and .7 for all other symbols, and the Delta Imbalance Threshold will be 20 times the round lot size for narrow spread symbols and zero for wider spread symbols.[39]

IEX selected different variables for narrow spread symbols versus all other symbols based upon extensive back-testing applying different parameters to historical market data. Based upon this extensive testing, the values resulting in the best model performance were

[30] ''Book Skew'' is the ratio of the difference between the volume of shares that comprise the Protected NBB and the Protected NBO. *See* proposed Rule 11.190(g)(2)(B)(i).

[31] ''Order Flow Imbalance'' measures the difference between the volume of buy orders and sell orders at the Protected NBB and the Protected NBO. *See* proposed Rule 11.190(g)(2)(B)(ii).

[32] *See* proposed Rule 11.190(g)(2)(B)(iii).

[33] *See* proposed Rule 11.190(g)(2)(A)(i) (stating that these terms have the same meanings set forth in IEX Rule 11.190(g)(1)(B)).

[34] The CQI also employs lookback windows, such as the ''Lookback Average Signal Spread Bin Value'', which averages the Signal Spread Bin Value over the past twenty Updates. *See* IEX Rule 11.190(g)(1)(B)(xvi).

[35] *See* proposed Rule 11.190(g)(2)(B)(i).

[36] *See* proposed Rule 11.190(g)(2)(B)(ii).

[37] *See* proposed Rule 11.190(g)(2)(B)(iii).

[38] As noted above, if there are more 128 Updates to the Quote during the Lookback Window, the QII will only consider the most recent 128 Updates. *See* proposed Rule 11.190(g)(2)(A)(vi) and (viii).

[39] *See* proposed Rule 11.190(g)(2)(A)(xii) and (ix).

chosen for the Book Skew and Order Flow Imbalance Thresholds and the Lookback Window.

For both D-Peg and P-Peg orders, when the QII determines that the bid and/or offer for a particular security is imbalanced (*i.e.,* the QII is ''on''), any D-Peg or P-Peg orders on the imbalanced side of the market would not exercise price discretion to meet the limit price of an active (*i.e.,* taking) order, and remain pegged to a price that is the less aggressive of either (i) one (1) minimum price variant (''MPV'') [40] less aggressive than the primary quote (*i.e.,* one MPV below (above) the Protected NBB (NBO) for buy (sell) orders); or (ii) the order's limit price (if any).[41] Like it does with the CQI, the System will continually evaluate whether the QII should be ''on'' for any symbol. When the conditions for all three of the QII rules are no longer met, the QII will turn ''off'' (unless and until the System again determines that the quote is imbalanced).[42]

IEX assesses the efficacy of the CQI by measuring its ''coverage'', which is the percentage of all ''adverse'' Protected NBBO changes per symbol (*i.e.,* lower for bids, higher for offers) that were predicted by the CQI. Using market data from January 2, 2025, to March 21, 2025, IEX calculated that the CQI's coverage was 47%, meaning it predicted (and therefore blocked discretion) with respect to almost half of all adverse price changes. Using the same market data used to assess the CQI's coverage, IEX calculated that the QII's coverage would have been approximately 58%, meaning the QII would have approximately 25% more coverage than the CQI.

Because the QII is designed to maximize the amount of trading volume taking place in stable market conditions, even at the expense of fill rates, IEX believes that markouts [43] are another relevant metric for QII's efficacy. Thus, IEX further assessed the efficacy of the QII by determining the percentage of D-Peg and P-Peg orders that would not exercise discretion because the QII was ''on'' and applied to those orders, as compared to the percentage that would exercise discretion if the QII was ''off'' and applied to those orders, and then analyzing markout data to determine whether the orders using the QII showed performance improvement. This analysis shows that the QII would have restricted additional D-Peg and P-Peg volume from trading, but in return, markouts of the orders that exercise discretion would have improved by 7.9% of spread and 11.2% of spread, respectively, as measured at one second.[44] The following graphs demonstrate the consistency of the QII's performance improvement across various time horizons:

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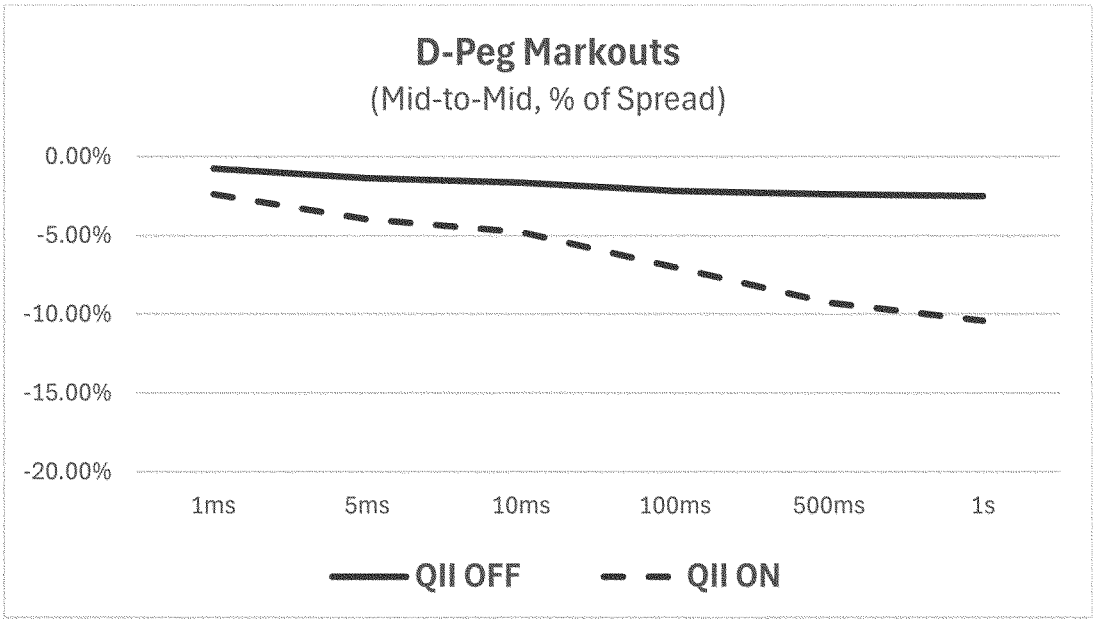
[40] *See* Rule 11.210.

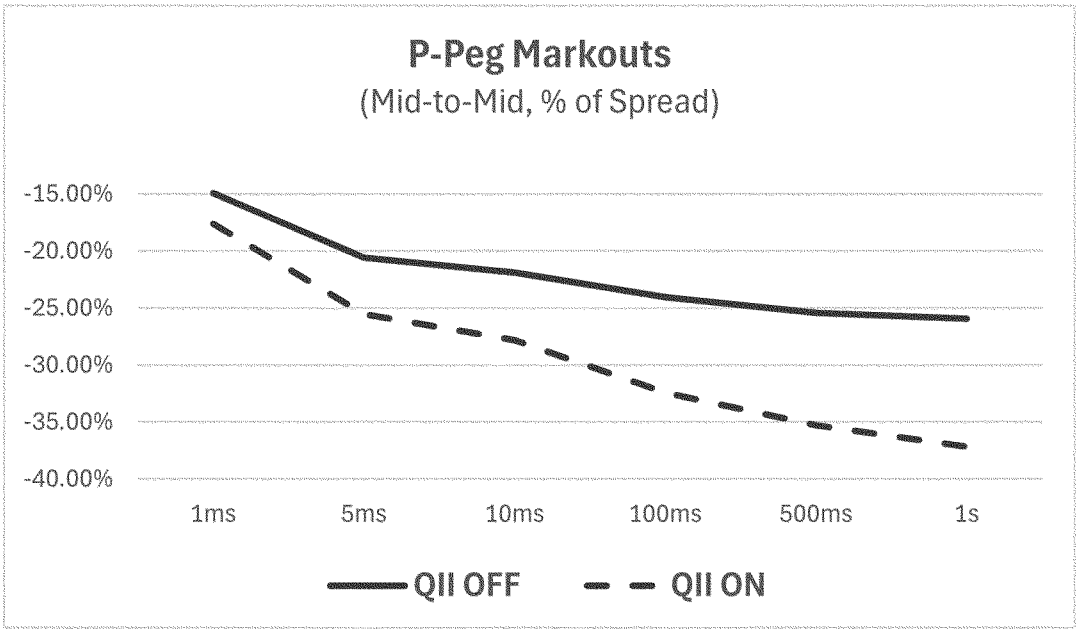
[41] *See* IEX Rule 11.190(b)(8) and (10).

[42] In this regard, the QII differs from the CQI which automatically turns off after two milliseconds (unless it made another quote instability determination before turning off). By design the QII remains on during times when it identifies that the quote is imbalanced.

[43] Markouts are a standard metric used by market participants to assess execution quality. For purposes of this filing, ''markouts'' refer to a comparison of the midpoint price at the time of execution as compared to the midpoint price a certain amount of time following the execution. A smaller markout as measured at a certain time is indicative of a higher quality execution.

[44] The analysis was also conducted using market data from January 2, 2025, to March 21, 2025.





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As depicted in the above two graphs, D-Peg and P-Peg orders that do not exercise discretion when the quote is imbalanced (*i.e.,* the QII is ''on'') have materially better markouts, which demonstrates that there is less market movement occurring after the trade, consistent with the QII's design to avoid trading in unstable market conditions (*i.e.,* during a quote imbalance).

As described above, the QII will remain ''on'' until the conditions establishing a period of quote imbalance are no longer present. Based on a notional value weighted average across all symbols, the QII is expected to be ''on'' for approximately 2.5 hours during Regular Market Hours, turning ''on'' for an average of 396.6 milliseconds each time. Thus, the QII will be ''on'' for more of the day than the CQI. However, as discussed above, the QII is not designed to maximize fill rates, but rather to support passive trading strategies that seek to trade during the most stable market conditions. Thus, Users that choose to designate any of their D-Peg or P-Peg orders with the QII will do so expecting a lower execution rate than if they had designated the orders with the CQI, but also expecting more stable market executions.

Additionally, IEX notes that regardless of whether a User selects to use the CQI or QII, when multiple pegged orders exercise discretion at the same time, their relative priority is retained.[45]

Conforming Edits

IEX also proposes to make several conforming edits to IEX Rule 11.190(g) to reflect the adoption of the new QII. Specifically, IEX proposes to:

- Rename IEX Rule 11.190(g) from ''Quote Stability'' to ''Quote Dynamics'' to reflect that IEX will now have two distinct indicators, as opposed to one (or more) crumbling quote indicators.
- Revise the first sentence of the first paragraph of IEX Rule 11.190(g) to read: ''The Exchange utilizes real time relative quoting activity of Protected Quotations from eleven

[45] *See* IEX Rule 11.190(b)(8) and (10).

exchanges (ARCX, BATY, BATS, EDGA, EDGX, EPRL, MEMX, XBOS, XNGS, XNYS, XPHL) referred to as ''Signal Exchanges'' to: (i) make quote instability determinations, as set forth in subparagraph (1) of Rule 11.190(g); or (ii) make quote imbalance determinations, as set forth in subparagraph (2) of IEX Rule 11.190(g).'' Thereby deleting the remainder of the current paragraph.

- Rename IEX Rule 11.190(g)(1) from ''Crumbling Quote'' to ''Quote Instability'' to reflect that this is the only quote instability indicator rule.
- Revise the first paragraph of IEX Rule 11.190(g)(1) to include the text removed from the first paragraph of IEX Rule 11.190(g). The paragraph will now read:
  - ''The Exchange utilizes nine proprietary mathematical calculations (''the Quote Instability Rules'') to assess the probability of an imminent change to the current Protected NBB to a lower price or a Protected NBO to a higher price for a particular security. Each Quote Instability Rule independently assesses the probability of an imminent change to the current Protected NBB to a lower price or Protected NBO to a higher price for a particular security. When the quoting activity meets one or more Quote Instability Rule's predefined criteria and that Quote Instability Rule's current activation value pursuant to this IEX Rule 11.190(g) (''Activation Value'') is greater than the Exchange's defined threshold (''Activation Threshold'') for that Quote Instability Rule, the System treats the quote as not stable (''quote instability'' or a ''crumbling quote''). For each Quote Instability Rule, the Activation Value is initialized at 0.5 at the start of the Regular Session and updated during regular market hours as described in this IEX Rule 11.190(g). During all other times, the quote is considered stable (''quote stability'').''
- Revise IEX Rule 11.190(g)(1)(B)(vii) to add a period that is missing from the end of the definition of ''Update''.
- Add IEX Rule 11.190(g)(2), ''Quote Imbalance'', which will include the changes detailed above.
- Renumber IEX Rule 11.190(g)(2) to now be IEX Rule 11.190(g)(3) and revise the rule to include a reference to the new quote imbalance functionality.

Implementation

The Exchange will announce the implementation date of the proposed rule change by Trading Alert at least ten business days in advance of such implementation date and within 90 days of effectiveness of this proposed rule change.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with Section 6(b)[46] of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act,[47] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. Specifically, and as discussed in the Purpose section, the proposal would provide a new alternative quote imbalance indicator for D-Peg and P-Peg orders that is designed to restrict those orders from exercising price discretion during periods of quote imbalance. As discussed in the Purpose section, IEX understands that some market participants utilize passive trading strategies that seek to avoid execution of orders at less optimal times to trade and thus deprioritize fill rates and place more emphasis on market stability. The QII is responsive to that feedback and would provide an optional tool for executing a passive trading strategy that seeks to avoid trading when the market for the security in question may be in transition, regardless of whether the strategy may prevent some trading opportunities.

The Exchange believes it is consistent with the protection of investors and the public interest to provide the QII as an alternative to its current CQI. As described in the Purpose section, the QII is designed to support Users (both Members and Sponsored Participants) and other market participants using passive trading strategies by protecting D-Peg and P-Peg orders from potential unfavorable executions during periods of quote imbalance. IEX believes that the QII, in the aggregate and with respect to the specific changes proposed, is rigorously sound, supported by market data analysis, and consistent with the Act as described below.

The Exchange believes that it is consistent with the Act to utilize a rules-based model for the QII, as it does with the CQI, to determine whether a quote is imbalanced. As discussed in the Purpose section, the Exchange believes that the proposed QII will potentially enhance the protection available to market participants using D-Peg and P-Peg orders that elect to use the QII, thereby removing impediments to a free and open market.

The Exchange also believes that it is consistent with the Act to apply different threshold variables to the Book Skew and Order Flow Imbalance instability rules based upon whether the symbols have a one cent spread, or a wider-than-one cent spread. As described in the Purpose section, the different variables applied for narrower spread stocks are designed to better assess the instability of a quote based upon extensive back-testing and parameter tuning using historical market data. IEX believes that these transparent criteria for the different calculations conducted based upon the symbols' spread will improve the QII's performance, to the benefit of all market participants seeking a new means of employing a more passive, stability-focused trading strategy.

The Exchange further believes that the proposed rule change may result in more and larger sized D-Peg and P-Peg orders being entered on IEX as a result of the ability to select the QII as an alternative to the CQI which, as discussed above, is designed to support Users and other market participants using passive trading strategies. To the extent more orders are entered, the increased liquidity would benefit all IEX Users and their customers.

Regardless of whether a User selects to use the CQI or QII, when multiple pegged orders exercise discretion at the same time, their relative priority is retained.[48] Thus, the Exchange notes that the proposed rule change does not raise any new or novel issues in this regard.

Furthermore, the Exchange notes that all Users are eligible to use D-Peg and P-Peg orders, and therefore all Users are eligible to benefit from these order types' protections, and will also benefit if use of the QII brings more liquidity to the Exchange. In addition, IEX believes that the QII is consistent with findings in the Commission's delegated approval of IEX's rule filing to adopt the current iteration of the CQI. Specifically, the QII will activate without further action from the User, and thus all Users will benefit equally regardless of their technological capabilities and ability to take action within a short prescribed period.[49] Additionally, only non-displayed order types would be able to utilize the QII and thus it would not affect displayed liquidity.[50] Accordingly, IEX believes that the proposal promotes just and equitable principles of trade, removes impediments to and perfects the mechanism of a free and open market and a national market, and, in general, protects investors and the public interest.

Further, the Exchange believes that the proposed conforming changes described in the Purpose section are consistent with the Act because the changes would promote clarity in IEX's rules.

Finally, the Exchange notes that, as proposed, the QII, like the CQI will be

[46] 15 U.S.C. 78f.

[47] 15 U.S.C. 78f(b)(5).

[48] *See* IEX Rule 11.190(b)(8) and (10).

[49] *See* CQI Approval Order, *supra* note 21 at 75102.

[50] *Id.*

a fixed formula specified transparently in IEX's rules. The Exchange is not proposing to change the functionality of any of its order types, but rather seeks to provide the QII as an alternative for D-Peg and P-Peg orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX 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. To the contrary, as discussed in the Statutory Basis section, the proposal is designed to enhance competition by incentivizing additional liquidity.

With regard to intra-market competition, the proposed QII would apply equally to all Users on a fair, impartial and nondiscriminatory basis without imposing any new burdens on the Users because D-Peg and P-Peg are optional order types, and the QII (as proposed) would be one of two choices of indicators that Users may apply to their D-Peg and P-Peg orders. The Commission has already approved the CQI.[51] As discussed in the Purpose and Statutory Basis sections, the proposed rule change is designed to provide the QII as an alternative indicator for D-Peg and P-Peg orders, which is a variation of the SEC approved quote instability calculation, as an optional indicator for D-Peg and P-Peg orders; therefore, no new burdens are being proposed.

With regard to inter-market competition, other exchanges are free to adopt similar quote imbalance calculations subject to the SEC rule filing process. In this regard, the Exchange notes that NYSE American LLC until recently had a ''discretionary pegged order type'', see former NYSE American LLC Rule 7.31E(h)(3)(D), which copied an earlier iteration of the Exchange's quote instability calculation.[52]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[53] and Rule 19b–4(f)(6)[54] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[55] and Rule 19b–4(f)(6)[56] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–IEX–2025–11 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–IEX–2025–11. 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–IEX–2025–11 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[57]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11887 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

[51] *See supra* note 21.

[52] *See* Securities Exchange Act Release 99827 (March 21, 2024), 89 FR 21302 (March 27, 2024) (SR–NYSEAMER–2024–21) (modifying NYSE American's discretionary pegged order type to remove its quote instability calculation).

[53] 15 U.S.C. 78(b)(3)(A).

[54] 17 CFR 240.19b–4(f)(6).

[55] 15 U.S.C. 78s(b)(3)(A).

[56] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[57] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103315; File No. SR–CboeEDGA–2025–016]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 4.10 of the Exchange's Compliance Rule To Be Consistent With the Exemptive Relief Granted by the Commission From Certain Provisions Related to Timestamp Granularity

June 24, 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 18, 2025, Cboe EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') proposes to amend Rule 4.10 of the Exchange's compliance rule (''CAT Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'') [3] to be consistent with the exemptive relief granted by the Securities and Exchange Commission (the ''Commission'') from certain provisions of the CAT NMS Plan related to timestamp granularity (''2025 Timestamp Granularity Exemption'').[4] Specifically, the Exchange proposes to update the expiration date of the exemption in Rule 4.10(a)(2) from April 8, 2025 to April 8, 2030. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/edga/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 4.10 of the CAT Compliance Rule to be consistent with the 2025 Timestamp Granularity Exemption. Under the 2025 Timestamp Granularity Exemption, the Commission extended the existing exemptive relief pursuant to which Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, from April 8, 2025 to April 8, 2030. Accordingly, the Exchange proposes to update the expiration date of the exemption in Rule 4.10(a)(2) from April 8, 2025 to April 8, 2030.

On February 3, 2020, the Participants filed with the Commission a request for exemptive relief from the requirement in Section 6.8(b) of the CAT NMS Plan for each Participant, through its CAT Compliance Rule, to require that, to the extent that its Industry Members utilize timestamps in increments finer than nanoseconds in their order handling or execution systems, such Industry Members utilize such finer increment when reporting CAT Data to the Central Repository.[5] On April 8, 2020, the Participants received the requested exemptive relief.[6] As a condition to this exemption, the Participants, through their CAT Compliance Rules, required Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The exemption was to remain in effect for five years, until April 8, 2025.

In 2020, the Exchange amended paragraph (a)(2) of Rule 4.10 to reflect this exemptive relief.[7] Specifically, the Exchange amended Rule 4.10(a)(2) to state the following.

> Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2025.

The language of Rule 4.10(a)(2) has not been changed since that time.

The exemption granted in 2020, however would no longer be in effect after April 8, 2025, unless the period the exemption is in effect is extended by the Commission. Accordingly, on March 24, 2025, the Participants filed with the Commission a request to extend the existing exemptive relief for another five years, until April 8, 2030.[8] On May 2, 2025, the Participants received the requested exemptive relief from the Commission via the 2025 Timestamp Granularity Exemption. As a condition to this exemption, the Participants, through their CAT Compliance Rules, are required to require Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The Commission granted the 2025 Timestamp Granularity Exemption for a period of five years, until April 8, 2030.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect the extended period set forth in the 2025 Timestamp Granularity Exemption, replacing the reference to April 8, 2025 with April 8, 2030. Specifically, the Exchange proposes to amend paragraph (a)(2) of Rule 4.10 to state:

> Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2030.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of

[3] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule. *See* Chapter IV, Rules 4.5–4.17 of the Exchange's Rulebook.

[4] Securities Exchange Act Rel. No. 102980 (May 2, 2025), 90 FR 19334 (May 7, 2025).

[5] *See* Letter to Vanessa Countryman, Secretary, Commission, from Michael Simon, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Granularity of Timestamps and Relationship Identifiers (Feb. 3, 2020).

[6] *See* Securities Exchange Act Release No. 88608 (April 8, 2020), 85 FR 20743 (April 14, 2020).

[7] *See* Securities Exchange Act Release No. 89130 (June 23, 2020), 85 FR 38960 (June 29, 2020) (SR–CboeEDGA–2020–018).

[8] *See* Letter to Vanessa Countryman, Secretary, Commission, from Brandon Becker, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Timestamp Granularity (Mar. 24, 2025).

Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that this proposal is consistent with the Act because it is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the Commission noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [12] To the extent that this proposal implements the Plan, including the exemptive relief related thereto, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the Commission, and is therefore consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) [14] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6) [16] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange's CAT Compliance Rule to reflect the expiration date for exemptive relief relating to timestamp granularity approved by the Commission on May 2, 2025, and the proposal does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–CboeEDGA–2025–016 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGA–2025–016. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

[12] *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–CboeEDGA–2025–016 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11884 Filed 6–26–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103311; File No. SR–FICC–2025–006]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Amendment No. 1, and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, Regarding Proposed Rule Change Relating to a Participant System Disruption

June 24, 2025.

On March 14, 2025, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–FICC–2025–006 pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''the Act'')[1] and Rule 19b–4[2] thereunder to modify its Disruption Rules.[3] The proposed rule change was published for public comment in the **Federal Register** on March 27, 2025.[4] The Commission has received comments regarding the substance of the changes proposed in the proposed rule change.[5]

On May 2, 2025, pursuant to Section 19(b)(2) of the Exchange Act,[6] 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.[7] On June 20, 2025, FICC filed Amendment No. 1 to the proposed rule change, as described in Items I and II below, which Items have been prepared by FICC.[8] Amendment No. 1 superseded the original proposed rule change in its entirety.

The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, and is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act[9] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change, as Modified by Amendment No. 1

FICC, along with its two affiliate clearing agencies, National Securities Clearing Corporation (''NSCC'') and The Depository Trust Company (''DTC,'' and together with FICC and NSCC, the ''Clearing Agencies,'' or ''Clearing Agency'' when referring to one of any of the three Clearing Agencies)[10] each filed with the Commission substantively similar proposals (''Original Proposal'')[11] to amend their respective rules currently titled Systems Disconnect: Threat of Significant Impact to the Corporation's Systems.[12] Each respective filing was written from the perspective of the Clearing Agencies, collectively, instead of DTC, FICC, and NSCC individually, but application of the proposed rule changes would only apply to the DTCC Systems Participant (as defined below) of the corresponding Clearing Agency or Clearing Agencies.[13]

On April 17, 2025, the Securities Industry and Financial Markets Association (''SIFMA'') submitted a comment letter to the Original Proposal (''SIFMA Letter'').[14] Based on comments made in the SIFMA Letter and further review of the Original Proposal, the Clearing Agencies are now filing this Amendment No. 1.

This Amendment No. 1 would modify the Original Proposal by (i) amending the proposed definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and proposing to add Third-Party Provider as a new defined term; (ii) simplifying the notification requirements and requested details of a Participant System Disruption; (iii) allowing for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) making technical, ministerial, and other conforming and clarifying changes.

[20] 17 CFR 200.30–3(a)(12) and (59).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Specifically, FICC is seeking to modify Rule 50A of the FICC Government Securities Division Rulebook and Rule 40A of the FICC Mortgage-Backed Securities Division Clearing Rules (the ''Disruption Rules''). The Disruption Rules are publicly *available at https://www.dtcc.com/legal/rules-and-procedures.*

[4] Securities Exchange Act Release No. 102713 (Mar. 21, 2025), 90 FR 13942 (Mar. 27, 2025) (File No. SR–FICC–2025–006).

[5] Comments on the proposed rule change are *available at https://www.sec.gov/comments/sr-dtc-2025-003/srdtc2025003.htm.*

[6] 15 U.S.C. 78s(b)(2).

[7] Securities Exchange Act Release No. 102981 (May 5, 2025), 90 FR 19590 (May 8, 2025) (File Nos. SR–DTC–2025–003; SR–FICC–2025–006; SR–NSCC–2025–003).

[8] Amendment No. 1 is *available at https://www.dtcc.com/-/media/Files/Downloads/legal/rule-filings/2025/FICC/SR-FICC-2025-006-Amendment-1.pdf.*

[9] 15 U.S.C. 78s(b)(2)(B).

[10] The Clearing Agencies are each a subsidiary of The Depository Trust & Clearing Corporation (''DTCC''). DTCC operates on a shared service model with respect to the Clearing Agencies. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides relevant services to the Clearing Agencies.

[11] Securities Exchange Act Release Nos. 102711 (Mar. 21, 2025), 90 FR 13926 (Mar. 27, 2025) (SR–NSCC–2025–003); 102713 (Mar. 21, 2025), 90 FR 13942 (Mar. 27, 2025) (SR–FICC–2025–006); and 102712 (Mar. 21, 2025), 90 FR 13919 (Mar. 27, 2025) (SR–DTC–2025–003) (collectively, ''Original Filings'').

[12] Rule 60A of the NSCC Rules & Procedures (''NSCC Rules''), Rule 50A of the FICC Government Securities Division (''FICC–GSD'') Rulebook (''FICC–GSD Rules''), Rule 40A of the FICC Mortgage-Backed Securities Division (''FICC–MBSD'') Clearing Rules (''FICC–MBSD Rules''), and Rule 38(A) of the Rules, By-Laws and Organization Certificate of DTC (''DTC Rules'') (collectively, the ''Disruption Rules''), *available at https://www.dtcc.com/legal/rules-and-procedures.*

[13] Capitalized terms not otherwise defined herein have the meaning as set forth in the respective rules of the Clearing Agencies, *available at https://www.dtcc.com/legal/rules-and-procedures,* or in the Original Filings, *supra* note 11.

[14] Letter from Stephen Byron, Managing Director, Head of Operations, Technology, Cyber & BCP, SIFMA (Apr. 17, 2025). SIFMA also submitted an earlier, two-page letter, on April 16, 2025, requesting additional time to submit a comment letter to the Original Proposal and highlighting some potential concerns that were then covered in the follow-up SIFMA Letter. Letter from Stephen Byron, Managing Director, Head of Operations, Technology, Cyber & BCP, SIFMA (Apr. 16, 2025).

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, as Modified by Amendment No. 1

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On March 14, 2025, the Clearing Agencies each filed the Original Proposal [15] to amend their respective rules currently titled Systems Disconnect: Threat of Significant Impact to the Corporation's Systems. Each respective filing was written from the perspective of the Clearing Agencies, collectively, instead of DTC, FICC, and NSCC individually, but application of the proposed rule changes would only apply to the DTCC Systems Participant of the corresponding Clearing Agency or Clearing Agencies.

On April 17, 2025, SIFMA submitted the SIFMA Letter.[16] Based on comments made in the SIFMA Letter and further review of the Original Proposal, the Clearing Agencies are now filing this Amendment No. 1.

This Amendment No. 1 would modify the Original Proposal by (i) amending the proposed definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and proposing to add Third-Party Provider as a new defined term; (ii) simplifying the notification requirements and requested details of a Participant System Disruption; (iii) allowing for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) making technical, ministerial, and other conforming and clarifying changes, as discussed below.

Current Disruption Rules & Original Proposal

The Clearing Agencies' current Disruption Rules contain provisions identifying the events or circumstances that would be considered a Major Event.[17] During the pendency of a Major Event, the Disruption Rules authorize the Clearing Agencies to take certain actions, within a prescribed governance framework, to mitigate the effect of the Major Event on the Clearing Agencies, their respective members or participants as defined in the respective rules of the applicable Clearing Agency (hereinafter, ''Respective Participants''),[18] their Affiliates, and the industry more broadly.[19]

The Original Proposal proposed to and would continue to (i) update and add definitions used throughout the Disruption Rules; (ii) update the provisions and governance for declaring a Major Event (which would be redefined as a Major System Event [20]); (iii) clarify and enhance the requirements of the DTCC Systems Participant, as amended below, to notify the Clearing Agencies of a Systems Disruption (which would be redefined as a Participant System Disruption, as amended below); (iv) add provisions incorporating the reporting, testing, and approval requirements, process, legal obligations, and governance necessary for ''reconnection'' (as defined by the Original Proposal) [21] of a DTCC Systems Participant that was ''disconnected'' from DTCC Systems [22] pursuant to a Disruption Rule; and (v) make technical, ministerial, and other conforming and clarifying changes, including updating the name of the Disruption Rules.[23] Other than the below described amendments proposed in this Amendment No. 1, the proposed changes of the Original Proposal remain.

Proposed Amendments

As noted above, based on comments raised in the SIFMA Letter and further review of the Original Proposal, the Clearing Agencies are filing this Amendment No. 1 to (i) amend the proposed definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and to add Third-Party Provider as a new defined term; (ii) simplify the notification requirements and reporting details of a Participant System Disruption; (iii) allow for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) make technical, ministerial, and other conforming and clarifying amendments, as described below.

1. Definitional Amendments

DTCC Systems Participant—''DTCC Systems Participant'' is currently defined in Section 1 of the Disruption Rules as, ''a [Respective Participant], or third party service provider, or service bureau that is connecting with the DTCC Systems.'' [24] Pursuant to the Original Proposal, DTCC Systems Participant would have been redefined in the Disruption Rules as, ''(A) any [Respective Participant], or an Affiliate of any [Respective Participant], that directly or indirectly connects with DTCC Systems; or (B) any third-party

[15] Original Filings, *supra* note 11.

[16] SIFMA Letter, *supra* note 14.

[17] ''Major Event'' is currently defined in the Disruption Rules as, ''the happening of one or more System Disruption(s) that is reasonably likely to have a significant impact on the Corporation's operations, including the DTCC Systems, that affect the business, operations, safeguarding of securities or funds, or physical functions of the Corporation, [Respective Participants] and/or other market participants.'' Disruption Rules, *supra* note 12, Section 1.

[18] Under the current Disruption Rules, Respective Participants for NSCC are Members and Limited Members; for DTC, Participants; for FICC–GSD and FICC–MBSD, Members. Disruption Rules, *supra* note 12, Section 1. Under the Original Proposal, Respective Participants for NSCC will be Members, Limited Members, and Sponsored Members; for DTC, Participants, Limited Participants, and Pledgees; for FICC–GSD, Netting Members, CCIT Members, Comparison Only Members, and Funds-Only Settling Bank Members; and for FICC–MBSD, Members, Clearing Members, and Cash Settling Bank Members. Original Filings, *supra* note 11.

[19] *See* Disruption Rules, *supra* note 12, Section 1.

[20] Pursuant to this proposed rule change, Major Event would be deleted and replaced with ''Major System Event,'' to be defined as, ''a Participant System Disruption that has or is reasonably anticipated to, for example, disrupt, degrade, cause a delay in, interrupt or otherwise alter the normal operation of DTCC Systems; result in unauthorized access to DTCC Systems; result in the loss of control of, disclosure of, or loss of DTCC Confidential Information; or cause a strain on, loss of, or overall threat to the Corporation's resources, functions, security or operations.''

[21] Pursuant to the Original Proposal, ''Reconnection'' would be defined as the reestablishment of connectivity between DTCC Systems and the DTCC Systems Participant that was the subject of action taken pursuant to a Disruption Rule. Original Filings, *supra* note 11.

[22] ''DTCC Systems'' is currently defined in the Disruption Rules as, ''the systems, equipment and technology networks of DTCC, the Corporation and/or their Affiliates, whether owned, leased, or licensed, software, devices, IP addresses, or other addresses or accounts used in connection with providing the services set forth in the Rules, or used to transact business or to manage the connection with the Corporation.'' Disruption Rules, *supra* note 12, Section 1. Pursuant to the Original Proposal, the definition would be updated to mean ''the systems, equipment and technology networks of DTCC, the Corporation and/or any Affiliates of DTCC or the Corporation, whether owned, leased, or licensed, and including software, hardware, applications, devices, IP addresses, or other addresses or accounts used in connection with such systems, equipment and technology networks, to provide the services set forth in these [Rules & Procedures/Rules and the Procedures/Rules], or otherwise used to transact business or connect with DTCC, the Corporation, or any Affiliates of DTCC or the Corporation.'' Original Filings, *supra* note 11.

[23] Original Filings, *supra* note 11 (providing specifics of each proposed change of the Original Proposal).

[24] Disruption Rules, *supra* note 12, Section 1.

service provider, service bureau, or other similar entity that directly or indirectly connects with DTCC Systems on behalf of or for the benefit of any [Respective Participant], or an Affiliate of any [Respective Participant].'' [25]

In consideration of the comments raised by SIFMA, generally,[26] and after further review of the proposed definition, the Clearing Agencies believe that the proposed definition of DTCC Systems Participant could be drafted differently to better reflect the entities that the definition is intended to cover (*i.e.,* Respective Participants connected to DTCC Systems directly and third-party service providers connected to DTCC Systems on behalf of or for the benefit of Respective Participants). Therefore, the Clearing Agencies propose to amend the proposed definition to simply state that a DTCC Systems Participant is ''any [Respective Participant] that connects with DTCC Systems either directly or indirectly via a Third-Party Provider.''

Systems Disruption/Participant System Disruption—''Systems Disruption'' is currently defined in Section 1 of the Disruption Rules as, ''the unavailability, failure, malfunction, overload, or restriction (whether partial or total) of a DTCC Systems Participant's systems that disrupts or degrades the normal operation of such DTCC Systems Participant's systems; or anything that impacts or alters the normal communication, or the files that are received, or information transmitted, to or from the DTCC Systems.'' [27] Pursuant to the Original Proposal, Systems Disruption would be deleted and replaced with ''Participant System Disruption,'' which would have been defined as, ''the actual or reasonably anticipated unauthorized access to, or unavailability, failure, malfunction, overload, corruption, or restriction (whether partial or total) of one or more systems of a DTCC Systems Participant.'' [28]

In consideration of the comments raised by SIFMA,[29] and after further review of the proposed definition, the Clearing Agencies believe that the proposed definition of Participant System Disruption could be interpreted too broadly. The proposed definition is intended to capture only disruptions to systems connected to DTCC Systems, whether via a direct connection from the Respective Participant or through the Respective Participant's third-party service provider. It is not intended to capture every disruption to every system of the Respective Participant or its provider. Therefore, the Clearing Agencies propose to amend the proposed definition to a narrower list of ''incidents'' and explicitly state that the systems in scope are only those ''connected to DTCC Systems.'' Specifically, the amended definition of Participant System Disruption would read, ''an incident resulting from the unintended or unauthorized access to, or the malfunction or corruption (whether partial or total) of one or more systems, of a DTCC Systems Participant or its Third-Party Provider, connected to DTCC Systems.''

Third-Party Cybersecurity Firm—The Original Proposal proposed to add the definition ''Third-Party Cybersecurity Firm'' to the Disruption Rules to mean, ''a firm that, in [the Clearing Agencies'] reasonable judgement, (A) (i) is well-known and reputable; (ii) is not affiliated with DTCC, [the Clearing Agencies], an Affiliate of DTCC or [the Clearing Agencies], a DTCC Systems Participant, or an Affiliate of a DTCC Systems Participant; (iii) specializes in financial-sector cybersecurity; and (iv) employs Best Practices; or (B) is otherwise determined to be a Third-Party Cybersecurity Firm by [the Clearing Agencies].'' [30]

In consideration of the comments raised by SIFMA,[31] and after further review of the proposed definition, the Clearing Agencies believe that the ''not affiliated with'' language and the ''specializes'' term in the definition could be clearer and simpler. Accordingly, the Clearing Agencies propose to amend the definition of Third-Party Cybersecurity Firm to (i) remove the proposed ''not affiliated with'' language and, instead, simply state that the Third-Party Cybersecurity Firm cannot be the subject DTCC Systems Participant, an Affiliate thereof, or a Third-Party Provider thereof; and (ii) replace ''specialized'' with ''experienced,'' a more objective standard.

Third-Party Provider—The Original Proposal did not include a separate defined term to cover Affiliates of Respective Participants, third-party service providers, service bureaus, or other similar entities that connect to DTCC Systems on behalf of or for the benefit of the Respective Participant. Rather, the Original Proposal attempted to capture such entities and such connectivity via the proposed DTCC Systems Participant definition.[32]

In consideration of the comments raised by SIFMA, generally,[33] and after further review of how the DTCC Systems Participant definition worked throughout the Disruption Rules, the Clearing Agencies believe a new, separate defined term would be clearer, simpler, and better capture the intended purpose (*i.e.,* to cover a DTCC Systems Participant's third-party connections). Therefore, the Clearing Agencies propose to add the definition ''Third-Party Provider,'' which would mean, ''an Affiliate of any [Respective Participant], or a third-party service provider, service bureau or other similar entity, that connects to DTCC Systems on behalf of or for the benefit of a DTCC Systems Participant.''

This proposed amendment also would work to accommodate the proposed amendments to the definitions of DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, described above. Additionally, with this amendment and the proposed amendment to the definition of DTCC System Participant, the Respective Participants would be the sole the responsible parties under the Disruption Rules, whether they connect directly or indirectly to DTCC Systems. As such, the Clearing Agencies propose to amend Section 7(e) of the Disruption Rules in the Original Proposal to remove language that was originally proposed to cover entities that may not be Respective Participants.[34]

2. Notice and Reporting Amendments

Section 2(a) of the Disruption Rules in the Original Proposal required, in part, a DTCC Systems Participant experiencing a Participant System Disruption to notify the applicable Clearing Agency of the disruption ''on behalf of itself and any Affiliate of the DTCC Systems Participant. . . .'' [35] It also required in Section 2(b) that a DTCC Systems Participant that had ''actual knowledge that an unaffiliated DTCC Systems Participant [was] experiencing a Participant System Disruption'' to notify the applicable Clearing Agency, if legally permitted to do so.[36]

In consideration of the comments raised by SIFMA,[37] and after further review of those proposed requirements, the Clearing Agencies no longer believe

[25] Original Filings, *supra* note 11.

[26] SIFMA Letter, *supra* note 14.

[27] Disruption Rules, *supra* note 12, Section 1.

[28] Original Filings, *supra* note 11.

[29] SIFMA Letter, *supra* note 14, at 2–4.

[30] Original Filings, *supra* note 11.

[31] SIFMA Letter, *supra* note 14, at 4–5.

[32] Original Filings, *supra* note 11.

[33] SIFMA Letter, *supra* note 14.

[34] Original Filings, *supra* note 11.

[35] *Id.*

[36] *Id.*

[37] SIFMA Letter, *supra* note 14, at 6.

that the proposed ''and any Affiliate'' language in Section 2(a) and the entire language in Section 2(b) are needed. Rather, the Clearing Agencies believe that the intended purpose of those requirements (*i.e.,* to cover a DTCC Systems Participant's third-party connections) is now better addressed with the proposed definitional amendments described above. Therefore, the Clearing Agencies propose to amend Section 2(a) by removing the ''and any Affiliate'' language, and Section 2(b) by removing it completely. As such, proposed Section 2(c) would now become proposed Section 2(b) and certain reference language would be updated accordingly.

Section 2(c) of the Disruption Rules in the Original Proposal, which would now be amended Section 2(b), as noted immediately above, proposes a list of information to be reported to the applicable Clearing Agency, by the DTCC Systems Participant, regarding the Participant System Disruption.[38] With this Amendment No. 1, the Clearing Agencies propose some technical changes to simplify the originally proposed language and clarify the information requested in the proposed Contact Information and Scope subsections. Additionally, in consideration of the comments raised by SIFMA,[39] and after further review of the proposed requirements, the Clearing Agencies propose to amend the Notice subsection to only request notices and other information regarding the Participant System Disruption that has been made ''public.'' Although the originally proposed language did limit the request to only notices and information that could be provided legally, the scope of the language was arguably too broad, which the proposed amendment now addresses.

3. Third-Party Cybersecurity Firm Report Amendment

Section 5 of the Disruption Rules in the Original Proposal required, in part, that prior to reestablishing connectivity to DTCC Systems pursuant to the Disruption Rules, the subject DTCC Systems Participant must provide the applicable Clearing Agency with a detailed, comprehensive, and auditable report from a Third-Party Cybersecurity Firm.[40] In consideration of the comments raised by SIFMA,[41] and after further review of the proposed requirements, the Clearing Agencies propose to amend that requirement to also allow a ''summary'' of such report, in lieu of providing the report itself, in order to alleviate concerns about potentially providing the Clearing Agencies with material, non-public information, notwithstanding the fact that the Clearing Agencies would need to maintain any confidential information accordingly pursuant to their existing rules.[42]

4. Technical, Ministerial, and Other Conforming and Clarifying Amendments

Based on the proposed amendments described above, and after further review of the overall language of the Original Proposal, the Clearing Agencies propose to make a handful of technical, ministerial, and other conforming and clarifying amendments, such as removing unneeded terms, updating terms, modifying language, and reorganizing sentence structure.

2. Statutory Basis

The Clearing Agencies believe that the proposed amendments in this Amendment No. 1 are consistent with the requirements of the Act and the rules and regulations thereunder applicable to each of the Clearing Agencies. In particular, the Clearing Agencies believe that the proposed amendments are consistent with Section 17A(b)(3)(F) of the Act[43] and Rule 17ad–22(e)(17)(i) promulgated under the Act,[44] as described below.

Consistency With Section 17A(b)(3)(F)

Section 17A(b)(3)(F) of the Act[45] requires, in part, that the rules of the Clearing Agencies be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to assure the safeguarding of securities and funds which are in the custody or control of the Clearing Agencies or for which they are responsible.

As described above, the Clearing Agencies are filing this Amendment No. 1 to (i) amend the definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and to add Third-Party Provider as a new defined term; (ii) simplify the notification requirements and reporting details of a Participant System Disruption; (iii) allow for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) make technical, ministerial, and other conforming and clarifying amendments.

The Clearing Agencies believe that these proposed amendments would improve Respective Participants' ability to understand and comply with the overall proposed changes to the Disruption Rules because the amendments simplify and clarify the Original Proposal and are primarily in response to Respective Participants' concerns outlined in the SIFMA Letter. By improving compliance with the Disruption Rules, the Clearing Agencies would be better positioned to identify a Participant System Disruption and then take action because of such disruption, as needed. In other words, the proposed amendments help mitigate risk and better protect the Clearing Agencies, their Respective Participants, and the industry more broadly from a Major System Event. By helping to mitigate risk and better protect those parties, the Clearing Agencies would be better situated to promote the prompt and accurate clearance and settlement of securities transactions and better safeguard securities and funds that are in their custody or control, consistent with Section 17A(b)(3)(F) of the Act.[46]

Consistency With Rule 17ad–22(e)(17)(i)

Rule 17ad–22(e)(17)(i) promulgated under the Act[47] requires that the Clearing Agencies establish, implement, maintain, and enforce written policies and procedures reasonably designed to manage operational risks by identifying plausible sources of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures, and controls.

The Clearing Agencies are filing this Amendment No. 1 to (i) amend the definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and to add Third-Party Provider as a new defined term; (ii) simplify the notification requirements and reporting details of a Participant System Disruption; (iii) allow for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) make technical, ministerial, and other conforming and clarifying amendments, each of which were described above.

By providing greater clarity and simplicity in the definitions of the

[38] Original Filings, *supra* note 11.

[39] SIFMA Letter, *supra* note 14, at 7.

[40] Original Filings, *supra* note 11.

[41] SIFMA Letter, *supra* note 14, at 8–9.

[42] DTC Rule 2, Section 1; NSCC Rule 2A, Sec. 1.C; FICC–GSD Rule 2A, Section 5; FICC–MBSD Rule 2A, Section 6, *available at https://www.dtcc.com/legal/rules-and-procedures.*

[43] 15 U.S.C. 78q–1(b)(3)(F).

[44] 17 CFR 240.17ad–22(e)(17)(i).

[45] 15 U.S.C. 78q–1(b)(3)(F).

[46] *Id.*

[47] 17 CFR 240.17ad–22(e)(17)(i).

parties that are the subject of the Disruption Rules, and also clarifying and simplifying what information needs to be reported to the Clearing Agencies in the event of a Participant System Disruption or a DTCC Systems Participant looking to reconnect to DTCC Systems, this Amendment No. 1 would improve the Clearing Agencies' ability to identify and collect information about applicable disruptions experienced by the entities connected to DTCC Systems, whether the Respective Participant is connected directly or indirectly via a Third-Party Provider. With better information, the Clearing Agencies could react more quickly and effectively to the disruption, in protection of their systems, as well as the systems of other entities connected to the Clearing Agencies. Therefore, these amendments better position the Clearing Agencies to identify and address operational risk presented by a Participant System Disruption, consistent with the requirements of Rule 17ad–22(e)(17)(i) promulgated under the Act.[48]

(B) Clearing Agency's Statement on Burden on Competition

The Clearing Agencies do not believe the proposed amendments in this Amendment No. 1 would have any impact on competition because they are only simplifying, clarifying, and improving definitions; limiting notice and reporting requirements; allowing for the submission of a summary report; and making a handful of technical, ministerial, and other conforming and clarifying amendments overall, which the Clearing Agencies do not believe would have any effect on a Respective Participant's competitive position.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Clearing Agencies have not received or solicited any written comments relating to this Amendment No. 1. If any written comments are received, the Clearing Agencies will amend their respective filings to publicly file such comments as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting written comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on How to Submit Comments, available at *https://www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

The Clearing Agencies reserve the right to not respond to any comments received.

III. Proceedings To Determine Whether To Approve or Disapprove SR–FICC–2025–006, as Modified by Amendment No. 1, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act[49] to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[50] 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 Exchange Act[51] and the rules thereunder, including the following provisions:

- Section 17A(b)(3)(F) of the Exchange Act,[52] 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; to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions; and, in general, to protect investors and the public interest;
- Section 17A(b)(3)(I) of the Exchange Act,[53] which requires that the rules of a clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act;
- Rule 17ad–22(e)(2)(i) and (v) under the Exchange Act,[54] which requires that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility; and
- Rule 17ad–22(e)(17)(i) under the Exchange Act,[55] which requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to manage operational risks by identifying plausible sources of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures, and controls.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal, as modified by Amendment No. 1. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Sections 17A(b)(3)(F) and (b)(3)(I)[56] of the Exchange Act and Rules 17ad–22(e)(2)(i), (e)(2)(v), and (e)(17)(i)[57] under the Exchange Act, or any other provision of the Exchange Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[58]

[48] *Id.*

[49] 15 U.S.C. 78s(b)(2)(B).

[50] *Id.*

[51] 15 U.S.C. 78q–1.

[52] 15 U.S.C. 78q–1(b)(3)(F).

[53] 15 U.S.C. 78q–1(b)(3)(I).

[54] 17 CFR 240.17ad–22(e)(2)(i) and (v).

[55] 17 CFR 240.17ad–22(e)(17)(i).

[56] 15 U.S.C. 78q–1(b)(3)(F) and (b)(3)(I).

[57] 17 CFR 240.17ad–22(e)(2)(i), (e)(2)(v), and (e)(17)(i).

[58] Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by July 18, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by August 1, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–FICC–2025–006 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR–FICC–2025–006. 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 FICC and on DTCC's website (*https://dtcc.com/legal/sec-rule-filings.aspx*). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–FICC–2025–006 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11880 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103309; File No. SR–NSCC–2025–003]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Amendment No. 1, and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, Regarding Proposed Rule Change Relating to a Participant System Disruption

June 24, 2025.

On March 14, 2025, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–NSCC–2025–003 pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''the Act'')[1] and Rule 19b–4[2] thereunder to modify its Disruption Rules.[3] The proposed rule change was published for public comment in the **Federal Register** on March 27, 2025.[4] The Commission has received comments regarding the substance of the changes proposed in the proposed rule change.[5]

On May 2, 2025, pursuant to Section 19(b)(2) of the Exchange Act,[6] 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.[7] On June 20, 2025, NSCC filed Amendment No. 1 to the proposed rule change, as described in Items I and II below, which Items have been prepared by NSCC.[8] Amendment No. 1 superseded the original proposed rule change in its entirety.

The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, and is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act[9] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change, as Modified by Amendment No. 1

NSCC, along with its two affiliate clearing agencies, Fixed Income Clearing Corporation (''FICC'') and The Depository Trust Company (''DTC,'' and together with NSCC and FICC, the ''Clearing Agencies,'' or ''Clearing Agency'' when referring to one of any of the three Clearing Agencies)[10] each filed with the Commission substantively similar proposals (''Original Proposal'')[11] to amend their respective rules currently titled Systems Disconnect: Threat of Significant Impact to the Corporation's Systems.[12] Each respective filing was written from the perspective of the Clearing Agencies, collectively, instead of DTC, FICC, and NSCC individually, but application of

[59] 17 CFR 200.30–3(a)(12) and (a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Specifically, NSCC is seeking to modify Rule 60A of the NSCC Rules & Procedures (the ''Disruption Rules''). The Disruption Rules are publicly *available at https://www.dtcc.com/legal/rules-and-procedures.*

[4] Securities Exchange Act Release No. 102711 (Mar. 21, 2025), 90 FR 13926 (Mar. 27, 2025) (File No. SR–NSCC–2025–003).

[5] Comments on the proposed rule change are *available at https://www.sec.gov/comments/sr-dtc-2025-003/srdtc2025003.htm.*

[6] 15 U.S.C. 78s(b)(2).

[7] Securities Exchange Act Release No. 102981 (May 5, 2025), 90 FR 19590 (May 8, 2025) (File Nos. SR–DTC–2025–003; SR–FICC–2025–006; SR–NSCC–2025–003).

[8] Amendment No. 1 is *available at https://www.dtcc.com/-/media/Files/Downloads/legal/rule-filings/2025/NSCC/SR-NSCC-2025-003-Amendment-1.pdf.*

[9] 15 U.S.C. 78s(b)(2)(B).

[10] The Clearing Agencies are each a subsidiary of The Depository Trust & Clearing Corporation (''DTCC''). DTCC operates on a shared service model with respect to the Clearing Agencies. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides relevant services to the Clearing Agencies.

[11] Securities Exchange Act Release Nos. 102711 (Mar. 21, 2025), 90 FR 13926 (Mar. 27, 2025) (SR–NSCC–2025–003); 102713 (Mar. 21, 2025), 90 FR 13942 (Mar. 27, 2025) (SR–FICC–2025–006); and 102712 (Mar. 21, 2025), 90 FR 13919 (Mar. 27, 2025) (SR–DTC–2025–003) (collectively, ''Original Filings'').

[12] Rule 60A of the NSCC Rules & Procedures (''NSCC Rules''), Rule 50A of the FICC Government Securities Division (''FICC–GSD'') Rulebook (''FICC–GSD Rules''), Rule 40A of the FICC Mortgage-Backed Securities Division (''FICC–MBSD'') Clearing Rules (''FICC–MBSD Rules''), and Rule 38(A) of the Rules, By-Laws and Organization Certificate of DTC (''DTC Rules'') (collectively, the ''Disruption Rules''), *available at https://www.dtcc.com/legal/rules-and-procedures.*

the proposed rule changes would only apply to the DTCC Systems Participant (as defined below) of the corresponding Clearing Agency or Clearing Agencies.[13]

On April 17, 2025, the Securities Industry and Financial Markets Association (''SIFMA'') submitted a comment letter to the Original Proposal (''SIFMA Letter'').[14] Based on comments made in the SIFMA Letter and further review of the Original Proposal, the Clearing Agencies are now filing this Amendment No. 1.

This Amendment No. 1 would modify the Original Proposal by (i) amending the proposed definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and proposing to add Third-Party Provider as a new defined term; (ii) simplifying the notification requirements and requested details of a Participant System Disruption; (iii) allowing for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) making technical, ministerial, and other conforming and clarifying changes.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, as Modified by Amendment No. 1

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On March 14, 2025, the Clearing Agencies each filed the Original Proposal[15] to amend their respective rules currently titled Systems Disconnect: Threat of Significant Impact to the Corporation's Systems. Each respective filing was written from the perspective of the Clearing Agencies, collectively, instead of DTC, FICC, and NSCC individually, but application of the proposed rule changes would only apply to the DTCC Systems Participant of the corresponding Clearing Agency or Clearing Agencies.

On April 17, 2025, SIFMA submitted the SIFMA Letter.[16] Based on comments made in the SIFMA Letter and further review of the Original Proposal, the Clearing Agencies are now filing this Amendment No. 1.

This Amendment No. 1 would modify the Original Proposal by (i) amending the proposed definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and proposing to add Third-Party Provider as a new defined term; (ii) simplifying the notification requirements and requested details of a Participant System Disruption; (iii) allowing for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) making technical, ministerial, and other conforming and clarifying changes, as discussed below.

Current Disruption Rules & Original Proposal

The Clearing Agencies' current Disruption Rules contain provisions identifying the events or circumstances that would be considered a Major Event.[17] During the pendency of a Major Event, the Disruption Rules authorize the Clearing Agencies to take certain actions, within a prescribed governance framework, to mitigate the effect of the Major Event on the Clearing Agencies, their respective members or participants as defined in the respective rules of the applicable Clearing Agency (hereinafter, ''Respective Participants''),[18] their Affiliates, and the industry more broadly.[19]

The Original Proposal proposed to and would continue to (i) update and add definitions used throughout the Disruption Rules; (ii) update the provisions and governance for declaring a Major Event (which would be redefined as a Major System Event[20]); (iii) clarify and enhance the requirements of the DTCC Systems Participant, as amended below, to notify the Clearing Agencies of a Systems Disruption (which would be redefined as a Participant System Disruption, as amended below); (iv) add provisions incorporating the reporting, testing, and approval requirements, process, legal obligations, and governance necessary for ''reconnection'' (as defined by the Original Proposal)[21] of a DTCC Systems Participant that was ''disconnected'' from DTCC Systems[22] pursuant to a Disruption Rule; and (v) make technical, ministerial, and other conforming and clarifying changes, including updating the name of the Disruption Rules.[23] Other than the below described

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[13] Capitalized terms not otherwise defined herein have the meaning as set forth in the respective rules of the Clearing Agencies, *available at https://www.dtcc.com/legal/rules-and-procedures,* or in the Original Filings, *supra* note 11.

[14] Letter from Stephen Byron, Managing Director, Head of Operations, Technology, Cyber & BCP, SIFMA (Apr. 17, 2025). SIFMA also submitted an earlier, two-page letter, on April 16, 2025, requesting additional time to submit a comment letter to the Original Proposal and highlighting some potential concerns that were then covered in the follow-up SIFMA Letter. Letter from Stephen Byron, Managing Director, Head of Operations, Technology, Cyber & BCP, SIFMA (Apr. 16, 2025).

[15] Original Filings, *supra* note 11.

[16] SIFMA Letter, *supra* note 14.

[17] ''Major Event'' is currently defined in the Disruption Rules as, ''the happening of one or more System Disruption(s) that is reasonably likely to have a significant impact on the Corporation's operations, including the DTCC Systems, that affect the business, operations, safeguarding of securities or funds, or physical functions of the Corporation, [Respective Participants] and/or other market participants.'' Disruption Rules, *supra* note 12, Section 1.

[18] Under the current Disruption Rules, Respective Participants for NSCC are Members and Limited Members; for DTC, Participants; for FICC–GSD and FICC–MBSD, Members. Disruption Rules, *supra* note 12, Section 1. Under the Original Proposal, Respective Participants for NSCC will be Members, Limited Members, and Sponsored Members; for DTC, Participants, Limited Participants, and Pledgees; for FICC–GSD, Netting Members, CCIT Members, Comparison Only Members, and Funds-Only Settling Bank Members; and for FICC–MBSD, Members, Clearing Members, and Cash Settling Bank Members. Original Filings, *supra* note 11.

[19] *See* Disruption Rules, *supra* note 12, Section 1.

[20] Pursuant to this proposed rule change, Major Event would be deleted and replaced with ''Major System Event,'' to be defined as, ''a Participant System Disruption that has or is reasonably anticipated to, for example, disrupt, degrade, cause a delay in, interrupt or otherwise alter the normal operation of DTCC Systems; result in unauthorized access to DTCC Systems; result in the loss of control of, disclosure of, or loss of DTCC Confidential Information; or cause a strain on, loss of, or overall threat to the Corporation's resources, functions, security or operations.''

[21] Pursuant to the Original Proposal, ''Reconnection'' would be defined as the reestablishment of connectivity between DTCC Systems and the DTCC Systems Participant that was the subject of action taken pursuant to a Disruption Rule. Original Filings, *supra* note 11.

[22] ''DTCC Systems'' is currently defined in the Disruption Rules as, ''the systems, equipment and technology networks of DTCC, the Corporation and/or their Affiliates, whether owned, leased, or licensed, software, devices, IP addresses, or other addresses or accounts used in connection with providing the services set forth in the Rules, or used to transact business or to manage the connection with the Corporation.'' Disruption Rules, *supra* note 12, Section 1. Pursuant to the Original Proposal, the definition would be updated to mean ''the systems, equipment and technology networks of DTCC, the Corporation and/or any Affiliates of DTCC or the Corporation, whether owned, leased, or licensed, and including software, hardware, applications, devices, IP addresses, or other addresses or accounts used in connection with such systems, equipment and technology networks, to provide the services set forth in these [Rules & Procedures/Rules and the Procedures/Rules], or otherwise used to transact business or connect with DTCC, the Corporation, or any Affiliates of DTCC or the Corporation.'' Original Filings, *supra* note 11.

[23] Original Filings, *supra* note 11 (providing specifics of each proposed change of the Original Proposal).

amendments proposed in this Amendment No. 1, the proposed changes of the Original Proposal remain.

Proposed Amendments

As noted above, based on comments raised in the SIFMA Letter and further review of the Original Proposal, the Clearing Agencies are filing this Amendment No. 1 to (i) amend the proposed definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and to add Third-Party Provider as a new defined term; (ii) simplify the notification requirements and reporting details of a Participant System Disruption; (iii) allow for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) make technical, ministerial, and other conforming and clarifying amendments, as described below.

1. Definitional Amendments

DTCC Systems Participant—''DTCC Systems Participant'' is currently defined in Section 1 of the Disruption Rules as, ''a [Respective Participant], or third party service provider, or service bureau that is connecting with the DTCC Systems.'' [24] Pursuant to the Original Proposal, DTCC Systems Participant would have been redefined in the Disruption Rules as, ''(A) any [Respective Participant], or an Affiliate of any [Respective Participant], that directly or indirectly connects with DTCC Systems; or (B) any third-party service provider, service bureau, or other similar entity that directly or indirectly connects with DTCC Systems on behalf of or for the benefit of any [Respective Participant], or an Affiliate of any [Respective Participant].'' [25]

In consideration of the comments raised by SIFMA, generally,[26] and after further review of the proposed definition, the Clearing Agencies believe that the proposed definition of DTCC Systems Participant could be drafted differently to better reflect the entities that the definition is intended to cover (*i.e.,* Respective Participants connected to DTCC Systems directly and third-party service providers connected to DTCC Systems on behalf of or for the benefit of Respective Participants). Therefore, the Clearing Agencies propose to amend the proposed definition to simply state that a DTCC Systems Participant is ''any [Respective Participant] that connects with DTCC Systems either directly or indirectly via a Third-Party Provider.''

Systems Disruption/Participant System Disruption—''Systems Disruption'' is currently defined in Section 1 of the Disruption Rules as, ''the unavailability, failure, malfunction, overload, or restriction (whether partial or total) of a DTCC Systems Participant's systems that disrupts or degrades the normal operation of such DTCC Systems Participant's systems; or anything that impacts or alters the normal communication, or the files that are received, or information transmitted, to or from the DTCC Systems.'' [27] Pursuant to the Original Proposal, Systems Disruption would be deleted and replaced with ''Participant System Disruption,'' which would have been defined as, ''the actual or reasonably anticipated unauthorized access to, or unavailability, failure, malfunction, overload, corruption, or restriction (whether partial or total) of one or more systems of a DTCC Systems Participant.'' [28]

In consideration of the comments raised by SIFMA,[29] and after further review of the proposed definition, the Clearing Agencies believe that the proposed definition of Participant System Disruption could be interpreted too broadly. The proposed definition is intended to capture only disruptions to systems connected to DTCC Systems, whether via a direct connection from the Respective Participant or through the Respective Participant's third-party service provider. It is not intended to capture every disruption to every system of the Respective Participant or its provider. Therefore, the Clearing Agencies propose to amend the proposed definition to a narrower list of ''incidents'' and explicitly state that the systems in scope are only those ''connected to DTCC Systems.'' Specifically, the amended definition of Participant System Disruption would read, ''an incident resulting from the unintended or unauthorized access to, or the malfunction or corruption (whether partial or total) of one or more systems, of a DTCC Systems Participant or its Third-Party Provider, connected to DTCC Systems.''

Third-Party Cybersecurity Firm—The Original Proposal proposed to add the definition ''Third-Party Cybersecurity Firm'' to the Disruption Rules to mean, ''a firm that, in [the Clearing Agencies'] reasonable judgement, (A) (i) is well-known and reputable; (ii) is not affiliated with DTCC, [the Clearing Agencies], an Affiliate of DTCC or [the Clearing Agencies], a DTCC Systems Participant, or an Affiliate of a DTCC Systems Participant; (iii) specializes in financial-sector cybersecurity; and (iv) employs Best Practices; or (B) is otherwise determined to be a Third-Party Cybersecurity Firm by [the Clearing Agencies].'' [30]

In consideration of the comments raised by SIFMA,[31] and after further review of the proposed definition, the Clearing Agencies believe that the ''not affiliated with'' language and the ''specializes'' term in the definition could be clearer and simpler. Accordingly, the Clearing Agencies propose to amend the definition of Third-Party Cybersecurity Firm to (i) remove the proposed ''not affiliated with'' language and, instead, simply state that the Third-Party Cybersecurity Firm cannot be the subject DTCC Systems Participant, an Affiliate thereof, or a Third-Party Provider thereof; and (ii) replace ''specialized'' with ''experienced,'' a more objective standard.

Third-Party Provider—The Original Proposal did not include a separate defined term to cover Affiliates of Respective Participants, third-party service providers, service bureaus, or other similar entities that connect to DTCC Systems on behalf of or for the benefit of the Respective Participant. Rather, the Original Proposal attempted to capture such entities and such connectivity via the proposed DTCC Systems Participant definition.[32]

In consideration of the comments raised by SIFMA, generally,[33] and after further review of how the DTCC Systems Participant definition worked throughout the Disruption Rules, the Clearing Agencies believe a new, separate defined term would be clearer, simpler, and better capture the intended purpose (*i.e.,* to cover a DTCC Systems Participant's third-party connections). Therefore, the Clearing Agencies propose to add the definition ''Third-Party Provider,'' which would mean, ''an Affiliate of any [Respective Participant], or a third-party service provider, service bureau or other similar entity, that connects to DTCC Systems on behalf of or for the benefit of a DTCC Systems Participant.''

This proposed amendment also would work to accommodate the proposed amendments to the definitions of DTCC Systems Participant, Participant System Disruption, and Third-Party

[24] Disruption Rules, *supra* note 12, Section 1.
[25] Original Filings, *supra* note 11.
[26] SIFMA Letter, *supra* note 14.
[27] Disruption Rules, *supra* note 12, Section 1.
[28] Original Filings, *supra* note 11.
[29] SIFMA Letter, *supra* note 14, at 2–4.
[30] Original Filings, *supra* note 11.
[31] SIFMA Letter, *supra* note 14, at 4–5.
[32] Original Filings, *supra* note 11.
[33] SIFMA Letter, *supra* note 14.

Cybersecurity Firm, described above. Additionally, with this amendment and the proposed amendment to the definition of DTCC System Participant, the Respective Participants would be the sole the responsible parties under the Disruption Rules, whether they connect directly or indirectly to DTCC Systems. As such, the Clearing Agencies propose to amend Section 7(e) of the Disruption Rules in the Original Proposal to remove language that was originally proposed to cover entities that may not be Respective Participants.[34]

2. Notice and Reporting Amendments

Section 2(a) of the Disruption Rules in the Original Proposal required, in part, a DTCC Systems Participant experiencing a Participant System Disruption to notify the applicable Clearing Agency of the disruption ''on behalf of itself and any Affiliate of the DTCC Systems Participant. . . .'' [35] It also required in Section 2(b) that a DTCC Systems Participant that had ''actual knowledge that an unaffiliated DTCC Systems Participant [was] experiencing a Participant System Disruption'' to notify the applicable Clearing Agency, if legally permitted to do so.[36]

In consideration of the comments raised by SIFMA,[37] and after further review of those proposed requirements, the Clearing Agencies no longer believe that the proposed ''and any Affiliate'' language in Section 2(a) and the entire language in Section 2(b) are needed. Rather, the Clearing Agencies believe that the intended purpose of those requirements (*i.e.,* to cover a DTCC Systems Participant's third-party connections) is now better addressed with the proposed definitional amendments described above. Therefore, the Clearing Agencies propose to amend Section 2(a) by removing the ''and any Affiliate'' language, and Section 2(b) by removing it completely. As such, proposed Section 2(c) would now become proposed Section 2(b) and certain reference language would be updated accordingly.

Section 2(c) of the Disruption Rules in the Original Proposal, which would now be amended Section 2(b), as noted immediately above, proposes a list of information to be reported to the applicable Clearing Agency, by the DTCC Systems Participant, regarding the Participant System Disruption.[38]

With this Amendment No. 1, the Clearing Agencies propose some technical changes to simplify the originally proposed language and clarify the information requested in the proposed Contact Information and Scope subsections. Additionally, in consideration of the comments raised by SIFMA,[39] and after further review of the proposed requirements, the Clearing Agencies propose to amend the Notice subsection to only request notices and other information regarding the Participant System Disruption that has been made ''public.'' Although the originally proposed language did limit the request to only notices and information that could be provided legally, the scope of the language was arguably too broad, which the proposed amendment now addresses.

3. Third-Party Cybersecurity Firm Report Amendment

Section 5 of the Disruption Rules in the Original Proposal required, in part, that prior to reestablishing connectivity to DTCC Systems pursuant to the Disruption Rules, the subject DTCC Systems Participant must provide the applicable Clearing Agency with a detailed, comprehensive, and auditable report from a Third-Party Cybersecurity Firm.[40] In consideration of the comments raised by SIFMA,[41] and after further review of the proposed requirements, the Clearing Agencies propose to amend that requirement to also allow a ''summary'' of such report, in lieu of providing the report itself, in order to alleviate concerns about potentially providing the Clearing Agencies with material, non-public information, notwithstanding the fact that the Clearing Agencies would need to maintain any confidential information accordingly pursuant to their existing rules.[42]

4. Technical, Ministerial, and Other Conforming and Clarifying Amendments

Based on the proposed amendments described above, and after further review of the overall language of the Original Proposal, the Clearing Agencies propose to make a handful of technical, ministerial, and other conforming and clarifying amendments, such as removing unneeded terms, updating terms, modifying language, and reorganizing sentence structure.

2. Statutory Basis

The Clearing Agencies believe that the proposed amendments in this Amendment No. 1 are consistent with the requirements of the Act and the rules and regulations thereunder applicable to each of the Clearing Agencies. In particular, the Clearing Agencies believe that the proposed amendments are consistent with Section 17A(b)(3)(F) of the Act [43] and Rule 17ad–22(e)(17)(i) promulgated under the Act,[44] as described below.

Consistency With Section 17A(b)(3)(F)

Section 17A(b)(3)(F) of the Act [45] requires, in part, that the rules of the Clearing Agencies be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to assure the safeguarding of securities and funds which are in the custody or control of the Clearing Agencies or for which they are responsible.

As described above, the Clearing Agencies are filing this Amendment No. 1 to (i) amend the definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and to add Third-Party Provider as a new defined term; (ii) simplify the notification requirements and reporting details of a Participant System Disruption; (iii) allow for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) make technical, ministerial, and other conforming and clarifying amendments.

The Clearing Agencies believe that these proposed amendments would improve Respective Participants' ability to understand and comply with the overall proposed changes to the Disruption Rules because the amendments simplify and clarify the Original Proposal and are primarily in response to Respective Participants' concerns outlined in the SIFMA Letter. By improving compliance with the Disruption Rules, the Clearing Agencies would be better positioned to identify a Participant System Disruption and then take action because of such disruption, as needed. In other words, the proposed amendments help mitigate risk and better protect the Clearing Agencies, their Respective Participants, and the industry more broadly from a Major System Event. By helping to mitigate risk and better protect those parties, the Clearing Agencies would be better situated to promote the prompt and

[34] Original Filings, *supra* note 11.

[35] *Id.*

[36] *Id.*

[37] SIFMA Letter, *supra* note 14, at 6.

[38] Original Filings, *supra* note 11.

[39] SIFMA Letter, *supra* note 14, at 7.

[40] Original Filings, *supra* note 11.

[41] SIFMA Letter, *supra* note 14, at 8–9.

[42] DTC Rule 2, Section 1; NSCC Rule 2A, Sec. 1.C; FICC–GSD Rule 2A, Section 5; FICC–MBSD Rule 2A, Section 6, *available at https://www.dtcc.com/legal/rules-and-procedures.*

[43] 15 U.S.C. 78q–1(b)(3)(F).

[44] 17 CFR 240.17ad–22(e)(17)(i).

[45] 15 U.S.C. 78q–1(b)(3)(F).

accurate clearance and settlement of securities transactions and better safeguard securities and funds that are in their custody or control, consistent with Section 17A(b)(3)(F) of the Act.[46]

Consistency With Rule 17ad–22(e)(17)(i)

Rule 17ad–22(e)(17)(i) promulgated under the Act[47] requires that the Clearing Agencies establish, implement, maintain, and enforce written policies and procedures reasonably designed to manage operational risks by identifying plausible sources of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures, and controls.

The Clearing Agencies are filing this Amendment No. 1 to (i) amend the definitions for DTCC Systems Participant, Participant System Disruption, and Third-Party Cybersecurity Firm, and to add Third-Party Provider as a new defined term; (ii) simplify the notification requirements and reporting details of a Participant System Disruption; (iii) allow for the submission of a summary of the Third-Party Cybersecurity Firm report, in lieu of the report itself; and (iv) make technical, ministerial, and other conforming and clarifying amendments, each of which were described above.

By providing greater clarity and simplicity in the definitions of the parties that are the subject of the Disruption Rules, and also clarifying and simplifying what information needs to be reported to the Clearing Agencies in the event of a Participant System Disruption or a DTCC Systems Participant looking to reconnect to DTCC Systems, this Amendment No. 1 would improve the Clearing Agencies' ability to identify and collect information about applicable disruptions experienced by the entities connected to DTCC Systems, whether the Respective Participant is connected directly or indirectly via a Third-Party Provider. With better information, the Clearing Agencies could react more quickly and effectively to the disruption, in protection of their systems, as well as the systems of other entities connected to the Clearing Agencies. Therefore, these amendments better position the Clearing Agencies to identify and address operational risk presented by a Participant System Disruption, consistent with the requirements of Rule 17ad–22(e)(17)(i) promulgated under the Act.[48]

(B) Clearing Agency's Statement on Burden on Competition

The Clearing Agencies do not believe the proposed amendments in this Amendment No. 1 would have any impact on competition because they are only simplifying, clarifying, and improving definitions; limiting notice and reporting requirements; allowing for the submission of a summary report; and making a handful of technical, ministerial, and other conforming and clarifying amendments overall, which the Clearing Agencies do not believe would have any effect on a Respective Participant's competitive position.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Clearing Agencies have not received or solicited any written comments relating to this Amendment No. 1. If any written comments are received, the Clearing Agencies will amend their respective filings to publicly file such comments as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting written comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on How to Submit Comments, available at *https://www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

The Clearing Agencies reserve the right to not respond to any comments received.

III. Proceedings To Determine Whether To Approve or Disapprove SR–NSCC–2025–003, as Modified by Amendment No. 1, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act[49] to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[50] 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 Exchange Act[51] and the rules thereunder, including the following provisions:

- Section 17A(b)(3)(F) of the Exchange Act,[52] 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; to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions; and, in general, to protect investors and the public interest;
- Section 17A(b)(3)(I) of the Exchange Act,[53] which requires that the rules of a clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act;
- Rule 17ad–22(e)(2)(i) and (v) under the Exchange Act,[54] which requires that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility; and
- Rule 17ad–22(e)(17)(i) under the Exchange Act,[55] which requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to manage

[46] *Id.*

[47] 17 CFR 240.17ad–22(e)(17)(i).

[48] *Id.*

[49] 15 U.S.C. 78s(b)(2)(B).

[50] *Id.*

[51] 15 U.S.C. 78q–1.

[52] 15 U.S.C. 78q–1(b)(3)(F).

[53] 15 U.S.C. 78q–1(b)(3)(I).

[54] 17 CFR 240.17ad–22(e)(2)(i) and (v).

[55] 17 CFR 240.17ad–22(e)(17)(i).

operational risks by identifying plausible sources of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures, and controls.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal, as modified by Amendment No. 1. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Sections 17A(b)(3)(F) and (b)(3)(I) [56] of the Exchange Act and Rules 17ad–22(e)(2)(i), (e)(2)(v), and (e)(17)(i) [57] under the Exchange Act, or any other provision of the Exchange Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[58]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by July 18, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by August 1, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NSCC–2025–003 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR–NSCC–2025–003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of NSCC and on DTCC's website (*https://dtcc.com/legal/sec-rule-filings.aspx*).

Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NSCC–2025–003 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11878 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

[56] 15 U.S.C. 78q–1(b)(3)(F) and (b)(3)(I).

[57] 17 CFR 240.17ad–22(e)(2)(i), (e)(2)(v), and (e)(17)(i).

[58] Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[59] 17 CFR 200.30–3(a)(12) and (a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35660; File No. 812–15782]

BIP Ventures Evergreen BDC, et al.

June 25, 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: BIP Ventures Evergreen BDC, BIP Capital, LLC, BIP Capital Management Services, LLC, and certain of their affiliated entities as described in Appendix A to the application.

FILING DATES: The application was filed on May 6, 2025, and amended on June 12, 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: Todd Knudsen, Chief Financial Officer, BIP Ventures Evergreen BDC, *tknudsen@bipventures.vc;* Kara Mullins, Senior Vice President, Finance, BIP Ventures, *kmullins@bipventures.vc;* and Blake E. Estes, Esq., Alston & Bird LLP, *Blake.Estes@alston.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 12, 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. 2025–11983 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103313; File No. SR–CboeEDGX–2025–048]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 4.10 of the Exchange's Compliance Rule To Be Consistent With the Exemptive Relief Granted by the Commission From Certain Provisions Related to Timestamp Granularity

June 24, 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 18, 2025, Cboe EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') proposes to amend Rule 4.10 of the Exchange's compliance rule (''CAT Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'') [3] to be consistent with the exemptive relief granted by the Securities and Exchange Commission (the ''Commission'') from certain provisions of the CAT NMS Plan related to timestamp granularity (''2025 Timestamp Granularity Exemption'').[4] Specifically, the Exchange proposes to update the expiration date of the exemption in Rule 4.10(a)(2) from April 8, 2025 to April 8, 2030. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 4.10 of the CAT Compliance Rule to be consistent with the 2025 Timestamp Granularity Exemption. Under the 2025 Timestamp Granularity Exemption, the Commission extended the existing exemptive relief pursuant to which Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, from April 8, 2025 to April 8, 2030. Accordingly, the Exchange proposes to update the expiration date of the exemption in Rule 4.10(a)(2) from April 8, 2025 to April 8, 2030.

On February 3, 2020, the Participants filed with the Commission a request for exemptive relief from the requirement in Section 6.8(b) of the CAT NMS Plan for each Participant, through its CAT Compliance Rule, to require that, to the extent that its Industry Members utilize timestamps in increments finer than nanoseconds in their order handling or execution systems, such Industry Members utilize such finer increment when reporting CAT Data to the Central Repository.[5] On April 8, 2020, the Participants received the requested exemptive relief.[6] As a condition to this exemption, the Participants, through their CAT Compliance Rules, required Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The exemption was to remain in effect for five years, until April 8, 2025.

In 2020, the Exchange amended paragraph (a)(2) of Rule 4.10 to reflect this exemptive relief.[7] Specifically, the Exchange amended Rule 4.10(a)(2) to state the following.

> Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2025.

The language of Rule 4.10(a)(2) has not been changed since that time.

The exemption granted in 2020, however would no longer be in effect after April 8, 2025, unless the period the exemption is in effect is extended by the Commission. Accordingly, on March 24, 2025, the Participants filed with the Commission a request to extend the existing exemptive relief for another five years, until April 8, 2030.[8] On May 2,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule. *See* Chapter IV, Rules 4.5–4.17 of the Exchange's Rulebook.

[4] Securities Exchange Act Rel. No. 102980 (May 2, 2025), 90 FR 19334 (May 7, 2025).

[5] *See* Letter to Vanessa Countryman, Secretary, Commission, from Michael Simon, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Granularity of Timestamps and Relationship Identifiers (Feb. 3, 2020).

[6] *See* Securities Exchange Act Release No. 88608 (April 8, 2020), 85 FR 20743 (April 14, 2020).

[7] *See* Securities Exchange Act Release No. 89132 (June 23, 2020), 85 FR 38970 (June 29, 2020) (SR–CboeEDGX–2020–030).

[8] *See* Letter to Vanessa Countryman, Secretary, Commission, from Brandon Becker, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated

Continued

2025, the Participants received the requested exemptive relief from the Commission via the 2025 Timestamp Granularity Exemption. As a condition to this exemption, the Participants, through their CAT Compliance Rules, are required to require Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The Commission granted the 2025 Timestamp Granularity Exemption for a period of five years, until April 8, 2030.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect the extended period set forth in the 2025 Timestamp Granularity Exemption, replacing the reference to April 8, 2025 with April 8, 2030. Specifically, the Exchange proposes to amend paragraph (a)(2) of Rule 4.10 to state:

> Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2030.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that this proposal is consistent with the Act because it is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the Commission noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.''[12] To the extent that this proposal implements the Plan, including the exemptive relief related thereto, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the Commission, and is therefore consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6)[14] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6)[16] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange's CAT Compliance Rule to reflect the expiration date for exemptive relief relating to timestamp granularity approved by the Commission on May 2, 2025, and the proposal does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[19]

Audit Trail related to Timestamp Granularity (Mar. 24, 2025).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

[12] *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–CboeEDGX–2025–048 on the subject line.

Paper Comments:

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGX–2025–048. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGX–2025–048 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11882 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103302; File No. SR–NASDAQ–2025–029]

Self-Regulatory Organizations; Nasdaq Stock Market LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the 21Shares Polkadot Trust Under Nasdaq Rule 5711(d) (Commodity Based Trust Shares)

June 24, 2025.

I. Introduction

On March 17, 2025, The Nasdaq Stock Market LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the 21Shares Polkadot Trust (''Trust'') under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares). The proposed rule change was published for comment in the **Federal Register** on March 26, 2025.[3]

On May 8, 2025, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] This order institutes proceedings under Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the proposed rule change.

II. Summary of the Proposal

As described in more detail in the Notice,[7] the Exchange proposes to list and trade the Shares of the Trust under Nasdaq Rule 5711(d), which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.

According to the Exchange, the investment objective of the Trust is to seek to track the performance of DOT tokens (''DOT''),[8] as measured by the CME CF Polkadot—Dollar Reference Rate—New York Variant (''Pricing Benchmark''), adjusted for the Trust's expenses and other liabilities.[9] In seeking to achieve its investment objective, the Trust will hold DOT and will value its Shares daily as of 4:00 p.m. ET based on the Pricing Benchmark.[10] When the Trust sells or redeems its Shares, it will do so in cash with authorized participants in blocks of 10,000 Shares.[11]

III. Proceedings To Determine Whether To Approve or Disapprove SR–NASDAQ–2025–029 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [12] to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 102704 (Mar. 20, 2025), 90 FR 13805 (''Notice''). The Commission has received no comments on the proposed rule change.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 103004, 90 FR 20532 (May 14, 2025). The Commission designated June 24, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Notice, *supra* note 3.

[8] The Exchange states that DOT is a digital asset that is created and transmitted through the operations of the ''Polkadot Network,'' an online, decentralized, distributed computing platform that operates on a peer-to-peer basis. *See* Notice at 13806.

[9] *See id.* 21Shares US LLC is the sponsor of the Trust, CSC Delaware Trust Company is the trustee, and Coinbase Custody Trust Company, LLC will be responsible for the custody of the Trust's DOT. *See id.* at 13805.

[10] *See id.* at 13806. The Pricing Benchmark is calculated by CF Benchmarks Ltd. based on an aggregation of executed trade flow of major DOT trading platforms. *See id.* at 13805.

[11] *See id.* at 13805–06.

[12] 15 U.S.C. 78s(b)(2)(B).

encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[13] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices'' and ''to protect investors and the public interest.'' [14]

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on whether the proposal to list and trade Shares of the Trust, which would hold DOT, is designed to prevent fraudulent and manipulative acts and practices or raises any new or novel concerns not previously contemplated by the Commission.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[15]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by July 18, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by August 1, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NASDAQ–2025–029 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NASDAQ–2025–029. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2025–029 and should be submitted on or before July 18, 2025. Rebuttal comments should be submitted by August 1, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11871 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

[13] *Id.*

[14] 15 U.S.C. 78f(b)(5).

[15] Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[16] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103304; File No. SR–CboeBYX–2025–008]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of Amendments No. 1 and No. 2, and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendments No. 1 and No. 2, To Amend Exchange Rule 11.25(e) To Allow Users To Utilize the Exchange's Match Trade Prevention Functionality When Entering Periodic Auction Orders Onto the Exchange for Execution

June 24, 2025.

On March 14, 2025, Cboe BYX Exchange, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Exchange Rule 11.25(e) to allow Users to utilize the Exchange's Match Trade Prevention (''MTP'') functionality when entering Periodic Auction Orders onto the Exchange for execution. The proposed rule change was published for comment in the **Federal Register** on March 31, 2025.[3] On May 7, 2025, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] The Commission has not received comments regarding the proposal. On June 13, 2025, the Exchange filed Amendment No. 1 to the proposal, which supersedes and replaces the original proposal in its entirety.[6] On

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 102727 (Mar. 25, 2025), 90 FR 14304.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Exchange Act Release No. 102997 (May 7, 2025), 90 FR 20333 (May 13, 2025).

[6] Amendment No. 1 clarifies how Periodic Auction Orders with MTP instructions will be applied during and outside of Periodic Auctions, clarifies how MTP and Minimum Quantity

June 18, 2025, the Exchange filed Amendment No. 2 to the proposal.[7] The Commission is publishing this notice to solicit comments on Amendments No. 1 and No. 2 from interested persons and is approving the proposed rule change, as modified by Amendments No. 1 and No. 2, on an accelerated basis.

I. Description of the Proposed Rule Change, as Modified by Amendments No. 1 and No. 2

The Exchange filed with the Commission a proposed rule change, as modified by Amendment No. 1, to amend Exchange Rule 11.25(e) to (1) allow Users to utilize the Exchange's Match Trade Prevention functionality when entering Periodic Auction Orders onto the Exchange for execution; (2) add new rule text describing how the System will handle Periodic Auction Orders entered with MTP instructions when a Periodic Auction is not in progress; (3) add new rule text describing how the System will handle Periodic Auction Orders entered with MTP instructions when a Periodic Auction is in progress; and (4) add new rule text describing how System will handle inbound Periodic Auction Orders entered with both an MTP instruction and Minimum Quantity instruction, when a Periodic Auction is not in progress. The text of the proposed rule change is provided in Exhibit 5. The text of the proposed rule change is also available on the Exchange's website *https://www.cboe.com/us/equities/membership/fee_schedule/byx/,* at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. The Exchange's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 11.25 to allow (1) Users to utilize the Exchange's Match Trade Prevention (''MTP'') [8] functionality when entering Periodic Auction Orders [9] onto the Exchange for execution; (2) add new rule text describing how the System [10] will handle Periodic Auction Orders entered with MTP instructions when a Periodic Auction is *not* in progress; (3) add new rule text describing how the System will handle Periodic Auction Orders and Continuous Book Orders [11] entered with MTP instructions when a Periodic Auction is in progress; and (4) add new rule text describing how System will handle Periodic Auction Orders entered with both an MTP instruction and Minimum Quantity [12] instruction, when a Periodic Auction is not in progress.

By way of background, MTP is an existing process [13] through which Users can prevent their incoming orders designated with a MTP modifier from executing against a resting opposite side order also designated with an MTP modifier and originating from the same market participant identifier (''MPID''), Exchange Member identifier, trading group identifier, Exchange Sponsored Participant identifier, affiliate identifier, or Multiple Access identifier (any such identifier, a ''Unique Identifier'').[14] Both the buy and the sell order must include the same Unique Identifier in order to prevent an execution from occurring and to effect a cancel instruction. MTP is a valuable tool for Exchange Users because it allows them to better manage their order flow to prevent undesirable trading activity such as wash sales [15] or self-trades [16] that may occur because of the high-speed nature of trading in today's marketplace. MTP is an optional order instruction, and Users are not required to utilize this functionality. Rather, the Exchange offers this optional functionality for Users as a supplementary tool which they may choose to utilize in helping them comply with relevant securities, rules, laws, or regulations.

Periodic Auctions Background

Periodic Auctions are available on BYX during the Regular Trading Session (9:30 a.m. ET to 4:00 p.m. ET). Periodic Auction Orders [17] are non-displayed, and Members may send PAOs [18] or PAEs.[19] PAOs will only execute in a Periodic Auction and are eligible to initiate a Periodic Auction when matched with a contra-side Periodic Auction Order. PAEs are eligible to

instructions operate in the context of Periodic Auctions, and provides additional description and explanation justification for the proposal. Amendment No. 1 to the proposed rule change is available at: *https://www.sec.gov/comments/sr-cboebyx-2025-008/srcboebyx2025008.htm.*

[7] Amendment No. 2 partially amends the proposal as modified by Amendment No. 1 by correcting errors in the proposed rule text and filing.

[8] *See* Rule 11.9(f).

[9] The term ''Periodic Auction Order'' shall mean a ''Periodic Auction Only Order'' (''PAO'') or ''Periodic Auction Eligible Order'' (''PAE'') as those terms are defined in Rules 11.25(b)(1)–(2), and the term ''Periodic Auction Book'' shall mean the System's electronic file of such Periodic Auction Orders. *See* Rule 11.25(a)(6).

[10] The term ''System'' shall mean the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away. *See* Rule 1.5(aa).

[11] The term ''Continuous Book Order'' shall mean an order on the BYX Book that is not a Periodic Auction Order, and the term ''Continuous Book'' shall mean System's electronic file of such Continuous Book Orders. *See* Rule 11.25(a)(2).

[12] Minimum Quantity Order. A limit order to buy or sell that will only execute if a specified minimum quantity of shares can be obtained. *See* Rule 11.9(c)(5).

[13] The Exchange notes that previous proposals extending the functionality of MTP to other trading scenarios were effective upon filing with the Commission. *See generally* Securities and Exchange Act Release No. 53429 (December 3, 2010), 75 FR 76763 (December 9, 2010) (SR–EDGX–2010–18); Securities and Exchange Act Release No. 34–96292 (November 10, 2022), 87 FR 68766 (November 16, 2022) (SR–CboeEDGX–2022–048).

[14] *Supra* note 7.

[15] A ''wash sale'' is generally defined as a trade involving no change in beneficial ownership that is intended to produce the false appearance of trading and is strictly prohibited under both the federal securities laws and FINRA rules. *See, e.g.,* 15 U.S.C 78i(a)(1); FINRA Rule 6140(b) (''Other Trading Practices'').

[16] Self-trades are ''transactions in a security resulting from the unintentional interaction of orders originating from the same firm that involve no change in beneficial ownership of the security.'' FINRA requires members to have policies and procedures in place that are reasonably designed to review trading activity for, and prevent, a pattern or practice of self-trades resulting from orders originating from a single algorithm or trading desk, or related algorithms or trading desks. *See* FINRA Rule 5210, Supplementary Material .02, available at: *https://www.finra.org/rules-guidance/rulebooks/finra-rules/5210.*

[17] *Supra* note 8.

[18] A ''Periodic Auction Only Order'' (''PAO'') is a non-displayed limit order entered with an instruction to participate solely in Periodic Auctions pursuant to this Rule 11.25. Periodic Auction Only Orders are not eligible for execution on the Continuous Book. *See* Rule 11.25(b)(1).

[19] ''A 'Periodic Auction Eligible Order' (''PAE'') is a non-displayed limit order eligible to trade on the Continuous Book that is entered with an instruction to also initiate a Periodic Auction, if possible . . . Periodic Auction Eligible Orders will be ranked as Non-Displayed Limit Orders consistent with the priority of order outlined in Rule 11.12(a). An incoming Periodic Auction Eligible Order that is eligible both to trade on the Continuous Book and initiate a Periodic Auction against a Periodic Auction Only Order at the same price will trade immediately with the Continuous Book. Incoming Periodic Auction Eligible Orders will upon entry interact with Continuous Book Orders and other Periodic Auction Eligible Orders according to their rank under Rule 11.12(a). Periodic Auction Eligible Orders will not trade on the Continuous Book during a Periodic Auction Period in the security.'' *See* 11.25(b)(2).

trade with Continuous Book orders and may also participate in Periodic Auctions. PAEs are eligible to initiate a Periodic Auction when matched with a contra-side Periodic Auction Order. PAEs may also trade immediately upon entry with a resting Continuous Book order instead of initiating a Periodic Auction. PAEs will be locked from trading in the Continuous Book upon initiation of a Periodic Auction. In addition, Continuous Book orders, both displayed and non-displayed (*e.g.,* Midpoint Peg Orders) are not eligible to initiate a Periodic Auction but may be swept into the Periodic Auction at the end of the Periodic Auction Period.[20] A Periodic Auction is initiated when a buy (sell) Periodic Auction Order is eligible to trade with a sell (buy) Periodic Auction Order within the Collar Price Range.[21]

Once a Periodic Auction is initiated, a Periodic Auction message will be generated and disseminated via the Exchange's proprietary depth of book market data feed at a randomized time prior to the end of the auction. All Periodic Auctions will run for a fixed time period of 100 milliseconds (*i.e.,* the Periodic Auction Period). The Periodic Auction Book Price[22] will be the price where most shares will trade within the Collar Price Range.

Periodic Auction Orders and Continuous Book Orders that are executable at the end of the Periodic Auction Period are executed at the Periodic Auction Book Price determined pursuant to Rule 11.25(d), as follow: First, any displayed Continuous Book Orders that are executable at the Periodic Auction Book Price are executed in price/time priority. Second, any Periodic Auction Orders that are executable at the Periodic Auction Book Price are executed in size/time priority, beginning with the largest order. Finally, any non-displayed Continuous Book Orders that are executable at the Periodic Auction Book Price are executed as provided in Rule 11.9(a)(2)(B).

Proposed Rule Change

Currently, Rule 11.25(e) states that all MTP modifiers (as defined in Rule 11.9(f)(1)–(5)) for Periodic Auction Orders will be ignored for executions occurring during a Periodic Auction. As part of the Exchange's prior Periodic Auction Rule filings,[23] the Exchange reasoned that MTP is mainly designed for use on the Continuous Book, and use of MTP for PAE Orders and PAO Orders (collectively, Periodic Auction Orders) may complicate the Periodic Auction which requires the pooling and matching of multiple orders against other orders at the Periodic Auction Book Price. Based on User feedback, however, Users of Periodic Auctions desire the ability to utilize MTP for their Periodic Auction Orders (when the Periodic Auction is *not* in progress) to help better manage their order flow and regulatory risk by helping to prevent the execution of wash sales when a User's buy (sell) Periodic Auction Order or Continuous Book order inadvertently executes with its sell (buy) Periodic Auction Order or Continuous Book Order. By reducing their risk, Users may, in turn, increase their usage of Periodic Auctions, thereby providing more liquidity, including but not limited to block size transactions, thereby providing the marketplace with alternative to off-exchange venues where a growing percentage of such transactions are executed today.

Accordingly, the Exchange now seeks to allow Users to enter onto the Exchange Periodic Auction Orders with MTP instructions (''MTP Order'').[24] Importantly, allowing Users to enter MTP Orders will *not* impact how the Periodic Auction itself is conducted, and the proposed MTP functionality will *not* prevent the completion of a Periodic Auction once it has been initiated.

The Exchange also wishes to add rule text describing how the System will handle MTP Orders when a Periodic Auction is in progress. As proposed, when a Periodic Auction is in progress, there will be instances where the Exchange has elected to temporarily bypass[25] the MTP instruction that a User has included on their MTP Order or apply MTP and cancel an inbound MTP Order even though such order would trade with a MTP Order participating in the Periodic Auction originating from the same Unique Identifier. As described below, when a Periodic Auction is in progress, how the System applies MTP will depend on whether the inbound MTP Order is a Continuous Book Order or a Periodic Auction Order. However, as discussed below, there are instances where the proposed MTP changes will not result in the System applying MTP 100% of the time, and indeed, the System may in certain circumstances temporarily bypass (discussed *infra*) a User's MTP instructions. While the proposed MTP design is not without limitations, it does improve upon the current rule text and System behavior, which do not currently permit MTP to be used for Periodic Auction Orders.[26] Importantly, Users are aware of the limitations discussed below, and still believe that the proposal, even with its limitations, is a valuable tool for managing their regulatory risk and encouraging their use of Periodic Auctions.

The Exchange also notes that the proposed MTP functionality is intended as a supplementary risk tool that Members may voluntarily use to help them manage their risk and compliance with applicable securities rules. As registered broker-dealers, Members are ultimately responsible for compliance with applicable securities rules and should not rely on the proposed functionality as a sole means of

[20] The term ''Periodic Auction Period'' shall mean the fixed time period of 100 milliseconds for conducting a Periodic Auction. Notwithstanding the foregoing, a Periodic Auction initiated pursuant to Rule 11.25(c) will be performed at the end of the Regular Trading Session if the Periodic Auction Period would otherwise end after the Regular Trading Session. *See* Rule 11.25(a)(8).

[21] The term ''Collar Price Range'' shall mean the more restrictive of the Midpoint Collar Price Range, as defined in Rule 11.25(a)(1), and the Protected NBBO. Notwithstanding the foregoing, if the Collar Price Range calculated by the Exchange would be outside of the applicable Price Bands established pursuant to the Limit Up-Limit Down Plan, the Collar Price Range will be capped at such Price Bands. *See* Rule 11.25(a)(1).

[22] The term ''Periodic Auction Book Price'' shall mean the price within the Collar Price Range at which the most shares from the Periodic Auction Book would match. In the event of a volume-based tie at multiple price levels, the Periodic Auction Book Price will be the price that results in the minimum total imbalance. In the event of a volume-based tie and a tie in minimum total imbalance at multiple price levels, the Periodic Auction Book Price will be the price closest to the Volume Based Tie Breaker. The Periodic Auction Book Price will be expressed in the minimum increment for the security unless the midpoint of the NBBO establishes the Periodic Auction Book Price. *See* Rule 11.25(a)(5).

[23] *See* Securities and Exchange Act Release No 34–91423 (March 26, 2021), 86 FR 17230 (April 1, 2021) (SR–CboeBYX–2020–021).

[24] The Exchange notes that previous proposals extending the functionality of MTP to other trading scenarios were effective upon filing with the Commission. *See* Securities and Exchange Act Release No. 53429 (December 3, 2010), 75 FR 76763 (December 9, 2010) (SR–EDGX–2010–18); *see also* Securities and Exchange Act Release No. 34–96292 (November 10, 20220), 87 FR 68766 (November 16, 2022) (SR–CboeEDGX–2022–048).

[25] Functionally, temporarily bypassing an MTP instruction that a User has included on their MTP Order represents scenarios where the System will choose to momentarily ignore an MTP instruction only when the Periodic Auction is in progress. Generally, the System will ignore an MTP Order's MTP instruction when a Periodic Auction is in progress, and application of the MTP instruction would disrupt the Periodic Auction (*i.e.,* applying MTP would cancel an order participating in the Periodic Auction), and where applying the MTP instruction would result in the cancellation of a Continuous Book order that may or may not participate in the Periodic Auction, but while the Periodic Auction is in progress, could receive an execution on the Continuous Book. Notably, once the Periodic Auction Period has completed—*i.e.,* the Periodic Auction has been completed—an order's MTP instructions will once again persist on that order.

[26] *See* Amendment No. 2, *supra* note 7.

compliance. As such, while the proposed MTP functionality will, in some instances, operate differently than it does outside of the context of Periodic Auctions, its design as a supplementary risk tool will still benefit Members that choose to utilize this tool.

First, proposed Rule 11.25(g)(1)(A) would state that if an Inbound MTP Continuous Book Order is marketable against a contra-side Resting MTP Periodic Auction Order participating in the Periodic Auction, the System will ignore the Inbound Continuous Book Order's MTP instruction with regards to the Resting MTP Periodic Auction Order both upon entry as well as at the end of the Periodic Auction Period, and the Inbound MTP Continuous Book Order will be handled as set forth in Rule 11.25(a)–(e). For the sake of clarity, the end of the Periodic Auction Period refers to an active part of the Periodic Auction and describes the time period when the Periodic Auction Book Price has been struck, and the System has identified which orders are executable at the Periodic Auction Price. Additionally, the Exchange notes that the temporary bypassing of MTP the inbound MTP Continuous Book Order is due to the fact that upon entry the Inbound Continuous Book Order could receive an execution on the Continuous Book while the Periodic Auction is in progress. As such, rather than immediately cancel—depending on the relevant MTP instruction—either the inbound MTP Continuous Book Order that could execute on the Continuous Book while the Periodic Auction process is in progress, or the Periodic Auction Order participating in the Periodic Auction, the Exchange has elected to temporarily bypass the application of the Inbound Continuous Book Order's MTP instruction versus the Resting MTP Periodic Auction Order.[27] Furthermore, it is only at the end of the Periodic Auction Period where the Periodic Auction Book Price has been struck, and the System deems the inbound MTP Continuous Book Order executable at the Periodic Auction Price, that the inbound MTP Continuous Book Order may or may not end up participating in the Periodic Auction. In this regard, the Exchange believes that cancelling the Inbound MTP Continuous Book order based on the fact that it *might* trade with the MTP Periodic Auction Order at the end of the Periodic Auction Period, is overly restrictive and could deny the User an execution they might receive on the Continuous Book while the Periodic Auction is in progress, or result in the cancelation of the resting Periodic Auction Order, thereby disrupting the completion of the Periodic Auction. To illustrate the functionality as described in proposed Rule 11.25(g)(1)(A), consider the following example:

Example 1

- *Order 1—Firm A: PAE Order (MTP = Cancel Oldest),*[28] *Buy 1000 @10.02.*
- *Order 2—Firm B: PAE Order (MTP = Cancel Oldest), Sell 500, @10.02.*
- *Action: Order 2 initiates an auction with Order 1, because Firm A and Firm B are different entities.*
- *Order 3—Inbound order (Firm A): Continuous Book Order (MTP = Cancel Oldest), Sell 200 @10.02.*
- *Action: MTP modifier on Order 3 is temporarily bypassed.*
- *Result: Order 3 posts to the BYX Book prior to the end of the auction; Order 1 and Order 2 trade in the Periodic Auction for 500 @10.02; Order 3 then trades 200 @10.02 with Order 1 (bypassing MTP).*

Example 1 demonstrates how the System will temporarily bypass an inbound Continuous Book Order's MTP instruction when a Periodic Auction is in progress, despite the User adding MTP instructions to their Periodic Auction Order(s) and Continuous Book Order(s). Here, Firm B's Order 2, a PAE Order with an MCO modifier, initiates a Periodic Auction upon entry with Firm A's Order 1, a resting PAE Order with an MCO modifier. Firm A subsequently enters a Continuous Book Order (Hidden) with an MCO modifier. Here, the Exchange will temporarily bypass[29] the inbound Continuous Book Order's (*i.e.,* Order 3) MTP modifier versus the resting MTP PAE Order (*i.e.* Order 1) while the Periodic Auction is in progress, and such Continuous Book Order would post to the Continuous Book, and be eligible to participate in the Periodic Auction (if executable at the Periodic Auction Book Price), or alternatively receive an execution on the Continuous Book while the Periodic Auction is in progress.

Based on the proposed MTP functionality, Order 3 will be posted to the BYX Book, and the System will temporarily bypass Order 3's MTP instruction.[30] Order 1 and Order 2 will trade in the Periodic Auction for 500 shares 10.02. After trading with Order 2, Order 1 still has 500 shares remaining. Order 3 which is executable at the Periodic Auction Price, will now be included in the Periodic Auction, and trade 200 shares with Order 1 @10.02, bypassing the MCO modifier assigned by Firm A to its Order 1 and Order 3.

The Exchange believes that temporarily bypassing an MTP modifier in this scenario is necessary to ensure that a Periodic Auction completes once it is initiated. Additionally, bypassing Order 3's MTP instruction is also necessary to avoid disrupting trading in the Continuous Book, because Order 3 could receive an execution on the Continuous Book while the Periodic Auction is in progress. While Order 3 could end up becoming executable at the Periodic Auction Book Price and trade in the Periodic Auction, the Exchange believes that canceling Order based on the mere *potential* that it could trade in the Periodic Auction unnecessarily prevents a Member from potentially receiving a Continuous Book execution. While the proposed MTP functionality will explicitly and automatically temporarily bypass a Member's MTP modifier in this scenario, the Exchange believes that such behavior appropriately balances the dual goals of ensuring that Periodic Auctions operate as designed (*i.e.,* once initiated they will complete, executing the maximum number of shares), and still provides Members the ability to utilize MTP for their Periodic Auction Orders in majority of trading scenarios.

Second, proposed Rule 11.25(g)(1)(B) would state that if an Inbound MTP Periodic Auction upon entry would, but for the application of MTP, join the Periodic Auction, and there is a Resting MTP Continuous Book Order on the BYX Book, then the System will not apply MTP even if the Resting MTP Continuous Book Order becomes marketable versus the Inbound MTP Periodic Auction Order and participates in the Periodic Auction. The Inbound MTP Periodic Auction Order will be handled as set forth in Rule 11.25(a)–(e). Here, the Exchange believes that the temporarily bypassing MTP is warranted because the inbound MTP

[27] The temporary bypassing of MTP instructions would not apply where, upon entry of the inbound MTP Continuous Book Order there was also a resting MTP Continuous Book Order. In that scenario, based on the MTP instructions, either the inbound MTP Continuous Book Order or the resting MTP Continuous Book Order, would cancel.

[28] An incoming order marked with the MTP Cancel Oldest (''MCO'') modifier will not execute against opposite side resting interest marked with any MTP modifier originating from the same Unique Identifier. The resting order marked with the MTP modifier will be cancelled back to the originating User(s). The incoming order marked with the MCO modifier will remain on the BYX Book. *See* Rule 11.9(f)(2).

[29] The Exchange notes that the bypassing of the Continuous Book Order's MTP modifier in this scenario is *temporary.* Should the Periodic Auction complete and Order 3 does not have the opportunity to trade with Order 1 in the Periodic Auction, then Order 3 would remain posted on the Continuous Book with its MTP modifier and MTP will be enforced.

[30] *Id.*

Periodic Auction Only Order may or may not end up trading with the MTP Continuous Book order at the end of the Periodic Auction Period.[31] Specifically, based on feedback from its Users, the Exchange believes that canceling the resting MTP Continuous Book Order in this scenario would be overly restrictive, and based only on a mere *possibility* that the MTP Periodic Auction Only Order *might* trade with the resting MTP Continuous Book Order.

Moreover, depending on the relevant MTP instructions, application of MTP could also result in the cancelation of the Inbound MTP Periodic Auction Order. However, the Exchange believes that canceling the Inbound MTP Periodic Auction Order would unnecessarily prevent a marketable order from participating in the Periodic Auction as a User might expect, based only a mere *possibility* that the MTP Periodic Auction Only Order *might* trade with the resting MTP Continuous Book Order at the end of the Periodic Auction Period.[32] To illustrate the proposed functionality in Rule 11.25(g)(1)(B), consider the following example:

Example 2

- *NBBO: 10.00 × 10.05.*
- *Order X (Firm B): Buy 100 @ 10.03 − Midpoint Peg PAO.*[33]
- *Order Y (Firm C): Sell 100 @ 10.02 − Midpoint Peg PAO.*
- *Auction is initiated between Order X and Order Y.*
- *Order 1 (Firm A): Buy 100 @ 10.03 − Midpoint Peg Continuous Book Order − MTP = Cancel Oldest.*
- *Order 4 (Firm A): Sell 100 @ 10.02 − Midpoint Peg PAE − MTP = Cancel Oldest.*
- *MTP would be bypassed when Order 4 is entered and Order 4 would join the Periodic Auction in progress.*
- *Result: Order X and Order Y trade 100 @10.025 in Periodic Auction. Order 1 and Order Y trade 100 @10.025 in Periodic Auction.*

First, note that a Continuous Book Order cannot initiate a Periodic Auction.[34] Therefore, to initiate a Periodic Auction in this example, assume that two Periodic Auction Orders arrived, from Firm B and Firm C, prior to Order 1 and Order 4—*e.g.,* Order X (Firm B) and Order Y (Firm C). Further assume that Order X and Order Y are marketable versus each other and initiated a Periodic Auction. Additionally, assume that Order 1, a Continuous Book Order is entered prior to Order 4, and that Order 1 and Order 4 are designated with MTP modifiers originating from the same Unique Identifiers.

Upon entry, Order 4, is marketable versus Order X and Order Y, which are Periodic Auction Orders participating in the Periodic Auction. As such, the System will temporarily bypass Order 4's MTP instruction and Order 4 will join the Periodic Auction, despite the fact that the System *could* determine that Order 1 is executable at the Periodic Auction Book Price and thereby participate in the Periodic Auction, potentially executing against Order 4. Specifically, the System will temporarily bypass [35] Order 1's and Order 4's MTP instruction, and Order 4 will join the Periodic Auction. Order 1 will remain on the Continuous Book. If Order 1 did not execute in the Continuous Book while the Periodic Auction was in progress, then Order 1 could potentially execute with Order 4 in the Periodic Auction, provided that Order 1 has priority as determined by Rule 11.25(f). The bypassing of the MTP modifiers in this scenario occurs only upon entry of Order 4 to prevent the cancelation of orders in situations where an immediate execution would not occur.

Here, even though Order 1 and Order 4 both originated from Firm A, and are designated with an MTP modifier, Order 1 is not canceled upon Order 4's arrival because Order 1 is a Continuous Book Order that may or may not end up trading with Order 4 once the Periodic Auction is complete. Because Order 1 could receive an execution on the Continuous Book while the Periodic Auction is in progress, the Exchange temporarily bypasses Order 1's MTP instruction upon Order 4's arrival to prevent Order 1 from forfeiting a Continuous Book execution based on a *possibility* that Order 1 would be executable versus Order 4 at the completion of the Periodic Auction.

Importantly, BYX notes that the bypassing of an inbound order's MTP modifier in proposed rule 11.25(g)(1)(A) and 11.25(g)(1)(B) is *temporary* and occurs only upon entry of the inbound order. At the conclusion of the Periodic Auction Period (*i.e.,* the Periodic Auction has completed and there is no Periodic Auction in progress), the System would again enforce the MTP modifier consistent with Rule 11.9(f) and proposed Rule 11.25(g)(2). While the scenarios described in proposed Rule 11.25(g)(1)(A)–(C) may result in certain executions occurring despite the User's inclusion of an MTP instruction, or the cancelation of their inbound Periodic Auction Order when the Periodic Auction is in progress, the Exchange believes this behavior is necessary and appropriate to help strike a responsible balance between providing Users with an *optional* risk tool and ensuring that Periodic Auctions will complete once initiated. Importantly, in designing this functionality, the Exchange consulted with its Periodic Auction Users, as well as potential new Users, and explained the limitations of MTP for Periodic Auction Orders, including that in some instances, MTP modifiers may be temporarily bypassed, or that a User's inbound MTP Periodic Auction Order may be canceled because it is marketable versus their MTP Order participating in the Periodic Auction. Despite these noted limitations, Users still believe the proposed MTP functionality to be valuable and a reasonable compromise that is likely to foster their increased use of Periodic Auctions. Should Users find the proposed functionality to be too complex, or not sufficiently restrictive in how it applies MTP, Users are free to decline usage of MTP and instead rely on their own internal risk checks.

Third, proposed Rule 11.25(g)(1)(C) would state that if an Inbound MTP Periodic Auction Order upon entry is, but for the application of MTP, marketable against a contra-side Resting MTP Periodic Auction Order participating in the Periodic Auction, then the Inbound MTP Periodic Auction Order will be canceled. In this scenario, canceling the inbound MTP Periodic Auction Order is preferred to prevent disrupting the Periodic Auction. Moreover, while the Exchange could alternatively choose to ignore MTP in

[31] Again, for the sake of clarity, end of the Periodic Auction Period. refers to an active part of the Periodic Auction, and describes the time period when the Periodic Auction Book Price has been struck, and the System has identified which orders are executable at the Periodic Auction Book Price.

[32] *Id.*

[33] A User may include an instruction on its Periodic Auction Only Orders to peg such orders to either the midpoint of the NBBO (''midpoint peg''), or the same side of the NBBO (''primary peg''). Periodic Auction Only Orders entered with a primary peg instruction can be pegged to the NBB or NBO, or a certain amount above the NBB or below the NBO (''offset''). *See* Rule 11.25(b)(1)(C).

[34] *See* Rule 11.25(c), Initiation and Publication of Periodic Auction Information, ''A Periodic Auction will be initiated in a security during Regular Trading Hours when one or more Periodic Auction Orders to buy become executable against one or more Periodic Auction Orders to sell pursuant to this Rule 11.25.''

[35] The Exchange notes that the bypassing of the MTP modifiers in this scenario is *temporary.* Should the Periodic Auction complete and Order 1 does not have the opportunity to trade with Order 4 in the Periodic Auction, then Order 1 would remain posted on the Continuous Book with its MTP modifier and be afforded the protections of MTP.

this scenario and allow the inbound MTP Periodic Auction Order join the Periodic Auction, the Exchange believes its preferred approach strikes a reasonable balance between disrupting the Periodic Auction once it is in progress and bypassing a User's MTP instructions. To illustrate the proposed functionality of Rule 11.25(g)(1)(C), consider the following example:

Example 3

- *Order 1—Resting (Firm B): PAO Order, Buy 100 @1.00.*
- *Order 2—Inbound Order (Firm A): PAE Order (MTP = Cancel Both),*[36] *Sell 200 @1.00.*
- *Action: Order 2 initiates a Periodic Auction with Order 1.*
- *Order 3—Inbound order (Firm A): PAE Order (MTP = Cancel Both), Buy 200 @1.00.*
- *Result: Order 3 is canceled in order to minimize disruption of the Periodic Auction.*

Example 3 represents proposed rule 11.25(g)(1)(C), and illustrates System behavior where a Periodic Auction is in progress, and an inbound Periodic Auction Order is designated with an MTP modifier, and such order matches against a resting contra-side Periodic Auction Order that is participating in the Periodic Auction originating from the same Unique Identifier that is also designated with an MTP modifier. In this scenario, the inbound Periodic Auction Order will be cancelled. Importantly, this behavior is necessary to help ensure that once a Periodic Auction is initiated it will be completed

Here, Firm A's inbound Order 2, a PAE Order to sell 200 @1.00, with a MTP modifier of MTP MCB immediately starts an auction with Firm B's Order 1, a resting PAO Order to Buy 100 @1.00, that is participating in the Periodic Auction. While the Periodic Auction is in progress, Firm A enters Order 3, a PAE Order to Buy 200 @1.00 with an MCB instruction. Applying this proposed behavior to Example 3's fact pattern, when Firm A's Order 3, a PAE Order with an MCB modifier is entered after Periodic Auction has been initiated and Order 3 subsequently matches with Firm A's Order 2 (a PAE Order with a MCB modifier), Order 3 will be cancelled. Without this proposed behavior, Order 3 would otherwise be included in the Periodic Auction, and its MTP Cancel Both [37] instruction would result in the cancelation of Order 2, preventing the Periodic Auction from completing, and denying Firm A an execution it would otherwise have expected to receive. The Exchange believes that this proposed behavior appropriately balances the dual goals of ensuring that Periodic Auctions complete once initiated and providing Users the ability to utilize MTP for their Periodic Auction Orders in each of the scenarios described in the preceding examples.

Proposed Rule 11.25(g)(1)(D) would state that when a Periodic Auction is in progress, the System will ignore a Minimum Quantity instruction appended to a MTP Periodic Auction Order or MTP Continuous Book Order and will apply MTP as described in 11.25(g)(1)(A)–(C). Provided, however, when the Periodic Auction has completed (*i.e.* there is no longer a Periodic Auction in progress), Minimum Quantity Orders will execute in accordance with Rule 11.25(b)(2)(C). the System will again honor an order's Minimum Quantity instructions, and such orders will not execute against contra-side interest unless the minimum execution size is satisfied. The Exchange notes it has designed the proposed MTP and Minimum Quantity Order functionality in this manner because of the current design of the Exchange's Systems. Generally speaking, based on existing System architecture, when a Periodic Auction is in progress and an inbound MTP Periodic Auction Order or inbound MTP Continuous Book Order is appended with a Minimum Quantity instruction, the System must perform a hypothetical scan of the Periodic Auction Book to determine which order(s) can satisfy the inbound order's Minimum Quantity instruction. When this hypothetical scan is conducted, though, there may be instances where an order's Minimum Quantity requirement could be satisfied while the Periodic Auction is in progress, but when the Periodic Auction Period has ended—*i.e.,* when the Periodic Auction Book Price has been struck, and the System has determined which orders are executable at that price—the composition of orders in the Periodic Auction Book is likely to differ and the Minimum Quantity order may no longer be capable of being filled despite being pulled into the Periodic Auction. As such, the Exchange believes that ignoring a User's Minimum Quantity instructions on their MTP Order when a Periodic Auction is in progress strikes an appropriate balance between providing User's a tool to prevent undesirable wash trades and ensuring that MTP Orders with Minimum Quantity instructions do not negatively impact the Periodic Auction process.

Additionally, proposed Rule 11.25(g)(1)(D) will provide that when a Periodic Auction is in progress, the System will ignore a Minimum Quantity instruction appended to a MTP Periodic Auction Order or MTP Continuous Book Order and will apply MTP. However, when the Periodic Auction has been completed, Minimum Quantity Orders will be executed in accordance with Rule 11.25(b)(2)(C). To illustrate the behavior of proposed Rule 11.25(g)(1)(D), consider the following example:

Example 4

- *Order 1 (Firm A): Buy 1000 @ 10.02 – PAE – Min Quantity = 500 (MTP = any).*
- *Order 2 (Firm A): Sell 1000 @ 10.02 – PAE (MTP = Cancel Oldest).*
- *Result: The System applies MTP, and cancels Order 1.*

Example 4 demonstrates that when a Periodic Auction is in progress the System will ignore the Minimum Quantity instruction on a Periodic Auction Order that is also designated with an MTP modifier. Here, even though the Minium Quantity for Order 1 can be satisfied by Order 2, the System will apply MTP resulting in the cancelation of Order 1. Note that for the purposes of this proposed behavior, it does not matter whether an order's Minimum Quantity instruction could be satisfied. As such, even if Order 1's Minimum Quantity instruction was not satisfied, the result would be the same; *i.e.,* the System would apply MTP and cancel Order 1.

Finally, proposed Rule 11.25(g)(2) addresses how the System will handle inbound MTP Periodic Auction Orders when a Periodic Auction is *not* in progress. Specifically, the Exchange proposes that when a Periodic Auction is not in progress, the System will apply MTP as described in Rule 11.9(f), upon receipt of an Inbound MTP Periodic Auction Order. The MTP modifiers appended to the orders will determine whether the System cancels the inbound order or the resting order. Further if in addition to MTP, an Inbound Periodic Auction Order also includes a Minimum Quantity instruction, the System will ignore the Inbound Periodic Auction Order's Minimum Quantity instruction and instead apply MTP. In this scenario, the System will ignore the Inbound MTP Periodic Auction Order's Minimum Quantity instruction because

[36] An incoming order marked with the MTP Cancel Both (''MCB'') modifier will not execute against opposite side resting interest marked with any MTP modifier originating from the same Unique Identifier. The entire size of both orders will be cancelled back to the originating User(s) *See* Rule 11.9(f)(4).

[37] *See* Rule 11.9(f)(4).

the System first applies an order's Minimum Quantity instruction when an order includes both Minimum Quantity and MTP. However, when the System first applies the Inbound MTP Periodic Auction Order's Minimum Quantity instruction, and the Inbound MTP Periodic Auction Order's Minimum Quantity is not satisfied by other orders, the Inbound MTP Periodic Auction Order will not be executable. As such, the System will not need to consider the application of MTP as there is no execution to prevent. In such event, both the Inbound MTP Periodic Auction Order and any resting orders originating from the same Unique Identifier could then be included in the Periodic Auction. However, if additional orders join the Periodic Auction and satisfy the Inbound MTP Periodic Auction Order's Minimum Quantity instruction, then such order could become executable. This may, in turn, result in wash sales, because once the Periodic Auction is in progress the System will ignore MTP (as described further above). Accordingly, the Exchange believes that ignoring Minimum Quantity on an Inbound MTP Periodic Auction Order is reasonable in that such proposal is designed to help User's manage their risk and prevent undesirable wash sales.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[38] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [39] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [40] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that its proposed MTP functionality is designed to promote the just and equitable principles of trade, and to protect investors and the public interest, by enabling Users to better prevent undesirable trading activity such as wash sales or self-trades for not only their Continuous Book Orders, but their Periodic Auction Orders as well. Additionally, by providing Users with a supplemental risk tool that will better enable them to achieve compliance with applicable securities rules and regulations, the proposed rule change will help to further ensure that orders eligible for execution in the Periodic Auction indeed represent genuine trading interest from separate and distinct firms. While the proposed MTP functionality would not operate identically to MTP as it is used in non-Periodic Auction scenarios, the Exchange believes that its proposal strikes an appropriate balance between ensuring Users receive executions in the Periodic Auction and providing Users' the ability to utilize MTP in most trading situations involving Periodic Auctions. Moreover, the Exchange notes that the use of MTP on Periodic Auction Orders is entirely optional, and Users may choose whether they want to utilize MTP. The Exchange conferred with its Periodic Auction Users and despite the limitations described in Rule 11.25(g)(1)(A)–(D), Users still requested that the Exchange implement the proposed functionality. Moreover, the Exchange will issue an Exchange Notice that notifies all Users of the planned implementation date for the proposed MTP functionality and describes the functionality. Accordingly, Users will be fully aware of how MTP will impact their Periodic Auction Orders.

Furthermore, by making clear to Users how MTP will be managed by the System when the Periodic Auction is in progress, Users will be able to anticipate how MTP modifiers will interact with their Periodic Auction Orders and mitigate any confusion that Users may have in using the proposed functionality. In particular, proposed Rule 11.25(g)(1)(A)–(D) identifies the discrete scenarios where the application of MTP is temporarily bypassed by the System so as to not interrupt the Periodic Auction that is in progress, as well as to avoid canceling MTP Continuous Book Orders and denying them an opportunity to execute on the Continuous Book while the Periodic Auction is in progress. By highlighting these four scenarios, Users will have a more concrete understanding of when and how they can expect MTP to provide them with wash sale protection, thereby better informing their trading decisions.

Furthermore, by making clear how the Exchange will ignore Minimum Quantity instructions appended to MTP Orders when a Periodic Auction is in progress, Users will be better informed as to how MTP operates in conjunction with Minimum Quantity restrictions and will be better able to manage their Periodic Auction Orders. The Exchange notes that while ignoring a User's Minimum Quantity instruction for their MTP Periodic Auction Orders is not ideal, this functionality is necessary in order to avoid adding unnecessary complexity to the Exchange's System. As discussed further above, by incorporating Minimum Quantity into the Periodic Auction process it is likely to add latency to this process, leading to longer Periodic Auction times. Rather than impacting Users' Periodic Auction experience, the Exchange has elected to incorporate User feedback and instead choose, in the limited circumstance of when a Periodic Auction is in progress, ignored Minimum Quantity instructions appended to MTP Periodic Auction Orders. The Exchange further notes that while ignoring a User's Minimum Quantity instruction for their MTP Periodic Auction Orders while the Periodic Auction is in progress is not ideal, this functionality is necessary in order to avoid adding unnecessary complexity to the Exchange's System. As discussed further above, by incorporating Minimum Quantity into the Periodic Auction process it is likely to add latency to this process, leading to longer Periodic Auction times. Rather than impacting Users' Periodic Auction experience, the Exchange has elected to incorporate User feedback and instead choose, in the limited circumstance of when a Periodic Auction is in progress, ignored Minimum Quantity instructions appended to MTP Periodic Auction Orders.

Additionally, by making clear that when a Periodic Auction is not in progress that the System will ignore an Inbound MTP Periodic Auction Order's Minimum Quantity instruction, Users will be better informed as to how MTP operates in conjunction with Minimum Quantity restrictions and will be better able to manage their Periodic Auction Orders. As discussed more fully above, when a Periodic Auction is not in progress the System will, upon receipt of an Inbound MTP Periodic Auction Order that also includes a Minimum Quantity instruction, apply MTP as described in Rule 11.9(f), and ignore such order's Minimum Quantity instruction. The MTP modifiers

[38] 15 U.S.C. 78f(b).

[39] 15 U.S.C. 78f(b)(5).

[40] *Id.*

appended to the orders will determine whether the System cancels the inbound order or the resting order. The System will ignore the Inbound MTP Periodic Auction Order's Minimum Quantity instruction because by design System first applies an inbound order's Minimum Quantity instruction when an order includes both Minimum Quantity and MTP. However, when the System first applies the Inbound MTP Periodic Auction Order's Minimum Quantity instruction, and the Inbound MTP Periodic Auction Order's Minimum Quantity is not satisfied by other outstanding orders, the Inbound MTP Periodic Auction Order will not be executable. As such, the System will not need to consider the application of MTP as there is no execution to prevent. In such event, both the Inbound MTP Periodic Auction Order and any resting orders originating from the same Unique Identifier could then be included in the Periodic Auction. However, if additional orders join the Periodic Auction and satisfy the Inbound MTP Periodic Auction Order's Minimum Quantity instruction, then such order could become executable. This may, in turn, result in wash sales, because the System will ignore MTP (as described further above) when the Periodic Auction is in progress. In this regard, the Exchange believes that ignoring Minimum Quantity on an Inbound MTP Periodic Auction Order will promote the just and equitable principles of trade and protect investors and the public interest.

Additionally, the Exchange believes that the proposed rule changes are designed to facilitate transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. Based on User feedback, the lack of MTP functionality for Periodic Auction Orders may discourage Users from entering Periodic Auction Orders because they do not have an automated way to systematically prevent undesirable executions resulting from orders originating from a User's algorithm or trading desk, or their related algorithms or trading desks. In this regard, the proposed rule changes may encourage Users to increase their Periodic Auction participation, thereby further enhancing the Periodic Auction liquidity pool and the ability of investors to execute larger orders that may otherwise be difficult to execute without market impact in the continuous market. Additionally, because Periodic Auctions are price-forming, the enhanced liquidity pools would indeed augment Periodic Auction's valuable price discovery function, which may be particularly helpful for investors when trading securities that typically trade with wider spreads.

Finally, the Exchange further believes that the proposed rule change does not unfairly discriminate amongst Users because the proposal will allow all Periodic Auction Users to utilize MTP just as all Users entering Continuous Book Orders may utilize MTP today. In this regard, the proposed amendment will avoid disparate treatment of Users. Furthermore, the bypassing or amending of MTP modifiers, as described in the Examples above, will apply equally to all Periodic Auction Users, regardless of the User's size.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. MTP is an optional risk tool offered by the Exchange and Periodic Auction Users are free to decide whether to use MTP when submitting Periodic Auction Orders to the Exchange. Similarly, the Exchange does not believe that the proposed amendment poses a burden on intermarket competition that is not necessary or appropriate in furtherance of the Act. Indeed, the proposed rule change is designed to increase competition by offering Periodic Auction Users the ability to better manage their order flow and prevent undesirable executions. In turn, Users may be further incentivized to send additional orders to BYX's Periodic Auction mechanism, thereby fostering competition amongst exchanges, as well as with off-exchange venues (*e.g.,* alternative trading systems) where Users that may otherwise utilized Periodic Auctions, typically seek to source block-sized liquidity.[41]

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 written comments on the proposed rule change.

III. Discussion and Commission Findings

After careful consideration, the Commission finds that the proposed rule change, as modified by Amendments No. 1 and No. 2, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[42] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[43] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As more fully described above, the proposal will allow Users to utilize MTP functionality when a Periodic Auction is in progress. The Exchange states that MTP allows Users to better manage their order flow to prevent undesirable trading activity such as wash sales or self-trades that may occur as a result of the velocity of trading in today's high-speed marketplace, but that MTP is an optional order instruction and Users are not required to utilize this functionality.[44] The Commission believes that the proposed application of MTP in certain situations that do not disrupt a Periodic Auction reasonably balances the goal of preventing of wash sales or self-trades against the goal of allowing Periodic Auctions to continue without interruption. In addition, the Exchange states that, in order to avoid potential disruptions of Periodic Auctions and to allow the benefits of MTP, it will prioritize a user's MTP instructions over its Minimum Quantity instructions for Period Auction Orders in certain instances.[45] The Commission

[41] *See* ''Trade Big with Cboe U.S. Periodic Auctions,'' available at: *https://www.cboe.com/us/equities/trading/offerings/periodic_auctions/.* (''Cboe created its patented Periodic Auctions to establish an on-exchange alternative to the growth of off-exchange liquidity. Most recently, the use of conditional order types on Alternative Trading Systems (ATSs) has reached new highs as a percentage of ATS volumes. Periodic Auctions would offer a new price forming auction for investors seeking liquidity, including but not limited to block size transactions, during the course of the trading day. These intraday auctions may be a useful tool to attract buyers and sellers in less liquid or wider spread names, and would create an equal and fair market for market participants and investors that wish to either initiate or respond to such auctions. Periodic Auctions will be available on Cboe's BYX™ market center.'').

[42] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[43] 15 U.S.C. 78f(b)(5).

[44] *See* Amendment No. 1 at 5–6.

[45] *See* Amendment No. 1 at 21.

believes that the proposed application of MTP and Minimum Quantity Instructions in the context of the Exchange's Periodic Auctions and the proposed handling of Periodic Auction Orders with MTP instructions is reasonably designed to enable increased access to the benefits of MTP while minimizing the risk that MTP Orders with Minimum Quantity instructions negatively impact the Periodic Auction process. Accordingly, the Commission finds that the proposed rule change, as modified by Amendments No. 1 and No. 2, is consistent with the Exchange Act,[46] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Solicitation of Comments on Amendments No. 1 and No. 2 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether Amendments No. 1 and No. 2 are 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–CboeBYX–2025–008 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–CboeBYX–2025–008. 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–CboeBYX–2025–008 and should be submitted on or before July 18, 2025.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendments No. 1 and No. 2

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act, for approving Amendments No. 1 and No. 2 prior to the 30th day after the date of publication of notice of Amendments No. 1 and No. 2 in the **Federal Register**. Amendment No. 1 provides additional clarification and details regarding the operation of MTP and Minimum Quantity instructions in the context of Periodic Auctions, as well as additional legal analysis to support the Exchange's position that the proposal is consistent with the Act. Amendment No. 2 corrects minor errors in the proposed rule text and filing. Amendments No. 1 and No. 2 raises no novel regulatory issues that have not previously been subject to comment and does not significantly alter the proposed operation of the proposed rule change. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[47] to approve the proposed rule change, as modified by Amendments No. 1 and No. 2, on an accelerated basis.

VI. Conclusion

For the reasons set forth above, the Commission finds that the proposed rule change, as modified by Amendments No. 1 and No. 2, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b)(5) of the Act.[48]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[49] that the proposed rule change (SR–CboeBYX–2025–008), as modified by Amendments No. 1 and No. 2, is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[50]

Sherry R. Haywood,

Assistant Secretary.

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[46] 15 U.S.C. 78f(b)(5).

[47] 15 U.S.C. 78s(b)(2).

[48] 15 U.S.C. 78f(b)(5).

[49] 15 U.S.C. 78s(b)(2)

[50] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103305; File No. SR–CboeBYX–2025–015]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 4.10 of the Exchange's Compliance Rule To Be Consistent With the Exemptive Relief Granted by the Commission From Certain Provisions Related to Timestamp Granularity

June 24, 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 18, 2025, Cboe BYX Exchange, Inc. (''BYX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') proposes to amend Rule 4.10 of the Exchange's compliance rule (''CAT Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'') [3] to be consistent with the exemptive relief granted by the Securities and Exchange Commission (the ''Commission'') from certain provisions of the CAT NMS Plan related to timestamp granularity (''2025 Timestamp Granularity Exemption'').[4] Specifically, the Exchange proposes to update the expiration date of the exemption in Rule 4.10(a)(2) from April

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule. *See* Chapter IV, Rules 4.5—4.17 of the Exchange's Rulebook.

[4] Securities Exchange Act Rel. No. 102980 (May 2, 2025), 90 FR 19334 (May 7, 2025).

8, 2025 to April 8, 2030. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 4.10 of the CAT Compliance Rule to be consistent with the 2025 Timestamp Granularity Exemption. Under the 2025 Timestamp Granularity Exemption, the Commission extended the existing exemptive relief pursuant to which Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, from April 8, 2025 to April 8, 2030. Accordingly, the Exchange proposes to update the expiration date of the exemption in Rule 4.10(a)(2) from April 8, 2025 to April 8, 2030.

On February 3, 2020, the Participants filed with the Commission a request for exemptive relief from the requirement in Section 6.8(b) of the CAT NMS Plan for each Participant, through its CAT Compliance Rule, to require that, to the extent that its Industry Members utilize timestamps in increments finer than nanoseconds in their order handling or execution systems, such Industry Members utilize such finer increment when reporting CAT Data to the Central Repository.[5] On April 8, 2020, the Participants received the requested exemptive relief.[6] As a condition to this exemption, the Participants, through their CAT Compliance Rules, required Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The exemption was to remain in effect for five years, until April 8, 2025.

In 2020, the Exchange amended paragraph (a)(2) of Rule 4.10 to reflect this exemptive relief.[7] Specifically, the Exchange amended Rule 4.10(a)(2) to state the following.

> Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2025.

The language of Rule 4.10(a)(2) has not been changed since that time.

The exemption granted in 2020, however would no longer be in effect after April 8, 2025, unless the period the exemption is in effect is extended by the Commission. Accordingly, on March 24, 2025, the Participants filed with the Commission a request to extend the existing exemptive relief for another five years, until April 8, 2030.[8] On May 2, 2025, the Participants received the requested exemptive relief from the Commission via the 2025 Timestamp Granularity Exemption. As a condition to this exemption, the Participants, through their CAT Compliance Rules, are required to require Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The Commission granted the 2025 Timestamp Granularity Exemption for a period of five years, until April 8, 2030.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect the extended period set forth in the 2025 Timestamp Granularity Exemption, replacing the reference to April 8, 2025 with April 8, 2030. Specifically, the Exchange proposes to amend paragraph (a)(2) of Rule 4.10 to state:

> Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2030.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that this proposal is consistent with the Act because it is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the

[5] *See* Letter to Vanessa Countryman, Secretary, Commission, from Michael Simon, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Granularity of Timestamps and Relationship Identifiers (Feb. 3, 2020).

[6] *See* Securities Exchange Act Release No. 88608 (April 8, 2020), 85 FR 20743 (April 14, 2020).

[7] *See* Securities Exchange Act Release No. 89138 (June 23, 2020), 85 FR 38987 (June 29, 2020) (SR–CboeBYX–2020–019).

[8] *See* Letter to Vanessa Countryman, Secretary, Commission, from Brandon Becker, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Timestamp Granularity (Mar. 24, 2025).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the Commission noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [12] To the extent that this proposal implements the Plan, including the exemptive relief related thereto, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the Commission, and is therefore consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) [14] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6) [16] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange's CAT Compliance Rule to reflect the expiration date for exemptive relief relating to timestamp granularity approved by the Commission on May 2, 2025, and the proposal does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–CboeBYX–2025–015 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–CboeBYX–2025–015. 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–CboeBYX–2025–015 and should be submitted on or before July 18, 2025.

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[12] *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11874 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0721]

Proposed Collection; Comment Request; Extension: Form 1–SA

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form 1–SA (17 CFR 239.92) is used to file semiannual reports by Tier 2 issuers under Regulation A, an exemption from registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Tier 2 issuers under Regulation A conducting offerings of up to $75 million within a 12-month period are required to file Form 1–SA. Form 1–SA provides semiannual, interim financial statements and information about the issuer's liquidity, capital resources and operations after the issuer's second fiscal quarter. The purpose of the Form 1–SA is to better inform the public about companies that have conducted Tier 2 offerings under Regulation A. We estimate that approximately 464 issuers file Form 1–SA annually. We estimate that Form 1–SA takes approximately 188.04 hours to prepare. We estimate that 85% of the 188.04 hours per response (159.834 hours) is carried internally by the issuer for a total annual burden of 74,163 hours (159.834 hours per response × 464 responses). We estimate that 15% of the approximately 188.04 hours per response (28.206 hours) is carried by outside professionals retained by the issuer to assist in the preparation of the form, at an estimated cost of $600 per hour, for a total annual cost burden of $7,852,550 (28.206 hours per response × $600 per hour × 464 responses annually).

[20] 17 CFR 200.30–3(a)(12) and (59).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by August 26, 2025. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: June 24, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11864 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103317; File No. SR–MEMX–2025–18]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 4.10 of the Exchange's Compliance Rule Regarding the National Market System Plan Governing the Consolidated Audit Trail To Be Consistent With the Exemptive Relief Granted by the Commission From Certain Provisions Related to Timestamp Granularity

June 24, 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 17, 2025, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend Rule 4.10 of the Exchange's compliance rule (''CAT Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'') [3] to be consistent with the exemptive relief granted by the Commission from certain provisions of the CAT NMS Plan related to timestamp granularity (''2025 Timestamp Granularity Exemption'').[4] Specifically, the Exchange proposes to update the expiration date of the exemption in Rule 4.10(a)(2) from April 8, 2025 to April 8, 2030. A notice of the proposed rule change for publication in the **Federal Register** is attached hereto as Exhibit 1, and the text of the proposed rule change is attached as Exhibit 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 4.10 of the CAT Compliance Rule to be consistent with the 2025 Timestamp Granularity Exemption. Under the 2025 Timestamp Granularity Exemption, the Commission extended the existing exemptive relief

[3] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule.

[4] Securities Exchange Act Rel. No. 102980 (May 2, 2025), 90 FR 19334 (May 7, 2025).

pursuant to which Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, from April 8, 2025 to April 8, 2030. Accordingly, the Exchange proposes to update the expiration date of the exemption in Rule 4.10(a)(2) from April 8, 2025 to April 8, 2030.

On February 3, 2020, the Participants filed with the Commission a request for exemptive relief from the requirement in Section 6.8(b) of the CAT NMS Plan for each Participant, through its CAT Compliance Rule, to require that, to the extent that its Industry Members utilize timestamps in increments finer than nanoseconds in their order handling or execution systems, such Industry Members utilize such finer increment when reporting CAT Data to the Central Repository.[5] On April 8, 2020, the Participants received the requested exemptive relief.[6] As a condition to this exemption, the Participants, through their CAT Compliance Rules, required Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The exemption was to remain in effect for five years, until April 8, 2025.

In 2020, the Exchange amended paragraph (a)(2) of Rule 4.10 to reflect this exemptive relief.[7] Specifically, the Exchange amended Rule 4.10(a)(2) to state the following.

Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2025.

The language of Rule 4.10(a)(2) has not been changed since that time.

The exemption granted in 2020, however would no longer be in effect after April 8, 2025, unless the period the exemption is in effect is extended by the SEC. Accordingly, on March 24, 2025, the Participants filed with the Commission a request to extend the existing exemptive relief for another five years, until April 8, 2030.[8] On May 2, 2025, the Participants received the requested exemptive relief from the Commission via the 2025 Timestamp Granularity Exemption. As a condition to this exemption, the Participants, through their CAT Compliance Rules, are required to require Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The SEC granted the 2025 Timestamp Granularity Exemption for a period of five years, until April 8, 2030.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect the extended period set forth in the 2025 Timestamp Granularity Exemption, replacing the reference to April 8, 2025 with April 8, 2030. Specifically, the Exchange proposes to amend paragraph (a)(2) of Rule 4.10 to state:

Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2030.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,[9] which require, among other things, that the Exchange's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(b)(8) of the Act,[10] which requires that the Exchange's rules not impose any burden on competition that is not necessary or appropriate.

The Exchange believes that this proposal is consistent with the Act because it is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [11] To the extent that this proposal implements the Plan, including the exemptive relief related thereto, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Exchange Act.

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 Exchange Act. The Exchange notes that the proposed rule change is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

[5] *See* Letter to Vanessa Countryman, Secretary, SEC, from Michael Simon, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Granularity of Timestamps and Relationship Identifiers (Feb. 3, 2020).

[6] *See* Securities Exchange Act Release No. 88608 (April 8, 2020), 85 FR 20743 (April 14, 2020).

[7] *See* Securities Exchange Act Release No. 89140 (June 23, 2020), 85 FR 39230 (June 30, 2020).

[8] *See* Letter to Vanessa Countryman, Secretary, SEC, from Brandon Becker, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Timestamp Granularity (Mar. 24, 2025).

[9] 15 U.S.C. 78f(b)(6).

[10] 15 U.S.C. 78f(b)(8).

[11] *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6) [13] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) [15] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [16] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[17] the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange's CAT Compliance Rule to reflect the expiration date for exemptive relief relating to timestamp granularity approved by the Commission on May 2, 2025, and the proposal does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[18]

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MEMX–2025–18 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MEMX–2025–18. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–MEMX–2025–18 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11886 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103308; File No. SR–OCC–2025–009]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change by The Options Clearing Corporation Concerning Amendments to OCC's Comprehensive Stress Testing & Clearing Fund Methodology, and Liquidity Risk Management Description ("Methodology Description") and Clearing Fund Methodology Policy (Together With the Methodology Description, the "Risk Policies") To Enhance Its Stress Testing Methodology

June 24, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 11, 2025, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change would amend OCC's Comprehensive Stress Testing & Clearing Fund Methodology, and Liquidity Risk Management Description (''Methodology

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Description'') and Clearing Fund Methodology Policy (together with the Methodology Description, the ''Risk Policies'') to enhance its stress testing methodology. OCC filed proposed changes to the text of the Methodology Description and Clearing Fund Methodology Policy in Exhibits 5A and 5B [sic], respectively, to File No. SR–OCC–2025–009. Material proposed to be added is underlined and material proposed to be deleted is marked in strikethrough text. All capitalized terms not defined herein have the same meaning as set forth in the OCC By-Laws and Rules.[3]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

As the sole clearing agency for standardized equity options listed on a national securities exchange registered with the Commission, and for the other products it clears, OCC is exposed to certain risks, including credit risk and liquidity risk, arising from its Clearing Members' cleared contracts, for which OCC becomes the buyer to every seller and the seller to every buyer. The management of credit and liquidity risks are essential elements of OCC's risk management framework. Given the critical role OCC plays within the U.S. financial markets, it is vital that OCC maintains sufficient financial resources to cover its exposures under normal and stressed conditions and adequate resources to satisfy liquidity needs arising from its settlement obligations. OCC manages its credit risk related to Clearing Members by collecting margin and Clearing Fund resources based on a Clearing Member's risk profile. OCC manages its liquidity risk by maintaining a reliable and diverse set of committed resources and liquidity providers, establishing a contingent funding plan for additional resources, and performing stress testing that covers a wide range of scenarios.

OCC performs daily stress testing of its financial resources using a wide range of scenarios. OCC's stress testing inventory contains scenarios designed to: (1) assess whether the resources collected are adequate to cover OCC's risk tolerance of a 1–in–50 year statistical market event over a two-year lookback period (''Adequacy Scenarios''); (2) inform the size of OCC's financial resources (''Sizing Scenarios''); (3) measure the potential exposures that Clearing Member Group portfolios present relative to OCC's credit and liquidity resources and determine potential calls for additional collateral, either as margin or as Clearing Fund collateral, or adjust the forms of collateral on deposit (''Sufficiency Scenarios''); and (4) monitor and assess the size of OCC's prefunded financial resources against a wide range of stress scenarios for informational and risk monitoring purposes (''Informational Scenarios''). OCC's stress tests are used for evaluating both credit and liquidity risk, and the output of these scenarios is also used for liquidity resource evaluation. Informational Scenarios are used for risk monitoring and informational purposes, distinct from OCC's Adequacy, Sizing, and Sufficiency Scenarios that inform the size and composition of OCC's mutualized financial resources. Informational Scenarios may be re-categorized as Adequacy, Sufficiency, or Sizing Scenarios upon the approval of OCC's Risk Committee pursuant to the Clearing Fund Methodology Policy.[4]

OCC proposes enhancements to its stress testing methodology in the Risk Policies. OCC proposes three groups of changes as part of the proposed rule change. First, OCC proposes to recategorize certain stress scenarios, including recategorizing certain Informational Scenarios as Sufficiency Scenarios and recategorizing other Sufficiency Scenarios as Informational Scenarios. As a result, six scenarios recategorized from Informational Scenarios to Sufficiency Scenarios would be used to determine potential calls for additional collateral. Eight Sufficiency Scenarios would be recategorized as Informational Scenarios and, therefore, would no longer be used to determine potential calls for additional collateral. Second, OCC proposes to modify the sample list of stress scenarios in the Methodology Description[5] to streamline and more clearly present the sample of scenarios codified in the document. Third, OCC proposes to amend language related to scenario calibration to more clearly describe cadence and implementation. The basis for the changes is further described below in detail.

1. Purpose

OCC proposes to amend the Risk Policies to enhance its stress testing methodology. Such changes include the (1) recategorization of certain stress scenarios, (2) modifications to the sample list of stress scenarios in the Methodology Description, and (3) enhanced language related to scenario calibration.

Recategorization of Stress Scenarios

OCC proposes to recategorize certain stress scenarios to enhance its ability to manage risks. As described above, OCC's stress testing inventory is divided into different categories of scenarios, including Sufficiency and Informational Scenarios. Sufficiency Scenarios are designed to measure the potential exposures that Clearing Member Group portfolios present relative to OCC's credit and liquidity resources so that OCC can determine whether to call for additional collateral or adjust the forms of collateral on deposit. OCC's current Sufficiency Scenarios are variations of historical scenarios that attempt to replicate historical events under current market conditions. For example, OCC's current Sufficiency Scenarios include historical scenarios that attempt to replicate the most extreme market rally

[3] OCC's By-Laws and Rules can be found on OCC's public website: *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

[4] OCC's Clearing Fund Methodology Policy summarizes the manner in which OCC determines the level of financial resources necessary to satisfy regulatory requirements and the Board's direction with respect to the additional financial resources necessary to withstand a wide range of foreseeable stress scenarios. See Exchange Act Release Nos. 96566 (Dec. 22, 2022), 87 FR 80207 (Dec. 29, 2022) (SR–OCC–2022–010); 94950 (May 19, 2022), 87 FR 31916 (May 25, 2022) (SR–OCC–2022–004); 93436 (Oct. 27, 2021), 86 FR 60499 (Nov. 2, 2021) (SR–OCC–2021–010); 92038 (May 27, 2021), 86 FR 29861 (June 3, 2021) (SROCC–2021–003); 89037 (June 10, 2020), 85 FR 36442 (June 16, 2020) (SR–OCC–2020–006); 89014 (June 4, 2020), 85 FR 35446 (June 10, 2020) (SR–OCC–2020–003); 87718 (Dec. 11, 2019), 84 FR 68992 (Dec. 17, 2019) (SR–OCC–2019–010); 86436 (July 23, 2019), 84 FR 36632 (July 29, 2019) (SR–OCC–2019–006); 83735 (July 27, 2018), 83 FR 37855 (Aug. 2, 2018) (SR–OCC–2018–008).

[5] The Methodology Description describes the Comprehensive Stress Testing & Clearing Fund Methodology, and Liquidity Risk Management that OCC uses to analyze the adequacy of its financial resources and to challenge its risk management framework. See Exchange Act Release Nos. 102203 (Jan. 15, 2025), 90 FR 7720 (Jan. 22, 2025) (SR–OCC–2024–016); 100455 (Jul. 2, 2024), 89 FR 56452 (Jul. 9, 2024) (SR–OCC–2024–006); 90827 (Dec. 30, 2020), 86 FR 659 (Jan. 6, 2021) (SR–OCC–2020–015); 89014 (June 4, 2020), 85 FR 35446 (June 10, 2020) (SR–OCC–2020–003); 87718 (Dec. 11, 2019), 84 FR 68992 (Dec. 17, 2019) (SR–OCC–2019–010); 87717 (Dec. 11, 2019), 84 FR 68985 (Dec. 17, 2019) (SROCC–2019–009); 83735 (July 27, 2018), 83 FR 37855 (Aug. 2, 2018) (SR–OCC–2018–008).

and decline moves (''Largest Rally/Decline'') during certain historically observed stressed market events. OCC uses Informational Scenarios to monitor and assess the size of OCC's prefunded financial resources against a wide range of stress scenarios for informational and risk monitoring purposes. Informational Scenarios are not used to determine the size of OCC's mutualized financial resources.

OCC proposes to elevate certain Informational Scenarios to Sufficiency Scenarios, including four sector-specific scenarios and two variations of existing Largest Rally/Decline scenarios. OCC proposes to elevate the four sector-specific Informational Scenarios to Sufficiency Scenarios to ensure that it can account for sector-specific exposure when determining the size of its financial resources. The proposed sector-specific scenarios are hypothetical scenarios [6] that are designed to measure the risk arising out of sector-specific exposures. To measure sector-specific exposures, these scenarios apply price shocks to sector constituents based on a corresponding sector exchange-traded fund's (''ETF'') return during selected time periods. The selected time periods were identified from an analysis of large sector ETF moves. OCC does not currently maintain any sector-specific Sufficiency Scenarios. As Informational Scenarios, these sector-specific scenarios are not used to directly determine the size of OCC's financial resources. Upon elevation to Sufficiency Scenarios, these scenarios would enhance the existing suite of Sufficiency Scenarios by considering sector-specific exposures. Moreover, OCC found that the proposed sector-specific scenarios yielded exposures that were generally in line with its current, most impactful Sufficiency Scenarios.[7]

OCC also proposes to elevate two other Informational Scenarios to Sufficiency Scenarios. OCC recently implemented Sufficiency Scenarios representing the most extreme market rally and decline moves in 2008, which differed from its existing scenarios in terms of how individual risk factor price shocks are determined.[8] In particular, to determine which price shocks to apply to risk factors,[9] these scenarios directly apply the risk driver beta-derived price shock instead of using a waterfall approach.[10] OCC proposes to implement complementary scenarios that represent the most extreme market rally and decline moves in 2020 that would directly apply the risk driver beta-derived price shock instead of using the waterfall approach, even where actual and sector returns are available. As part of the regular review of the output of its stress scenarios, OCC found that the proposed scenarios yielded exposures that were consistently higher than those generated by the corresponding Sufficiency Scenarios and were comparable to overall peak Sufficiency Scenario exposures.[11] In order to enhance its ability to manage risks, OCC proposes recategorizing such scenarios from Informational Scenarios to Sufficiency Scenarios.

The proposed rule change would enable OCC to test the sufficiency of its financial resources under a wider range of relevant stress scenarios and respond quickly when OCC believes additional financial resources are necessary. In particular, elevating the sector-specific Informational Scenarios to Sufficiency Scenarios will enhance the existing suite of Sufficiency Scenarios by considering sector-specific exposures. Elevating the 2020 Largest Rally/Decline scenarios with risk driver beta-derived price shocks will also enhance the existing suite of Sufficiency Scenarios by considering a different approach to the determination of price shocks to evaluate how such an event could occur under current market conditions. In their current state as Informational Scenarios, these scenarios do not drive the size of the Clearing Fund or calls for additional resources. However, as Sufficiency Scenarios, they would be used to measure the exposure of OCC's Clearing Fund to the portfolios of individual Clearing Member Groups and determine whether any such exposure is sufficiently large enough to necessitate OCC calling for additional resources in the form of margin collateral or an intra-month resizing of the Clearing Fund. The proposed rule change would thereby improve OCC's ability to measure, monitor, and manage its exposures to its participants and enhance OCC's ability to manage risks in its role as a systemically important financial market utility. OCC's analysis indicates that the proposed Sufficiency Scenarios generate stress test exposures that are generally in line with its current, most impactful Sufficiency Scenarios.[12]

OCC also proposes to recategorize certain Sufficiency Scenarios as Informational Scenarios due to their lack of impact on OCC's Sufficiency Scenario stress testing. Specifically, OCC proposes to recategorize eight historical Sufficiency Scenarios as Informational Scenarios. These historical scenarios attempt to replicate historical events (*e.g.,* global events, political actions, and investor sentiments) spanning 1974 to 2008 in current market conditions. A review initiated by the OCC Risk team determined that these scenarios had an immaterial impact on OCC's Sufficiency Scenario stress testing.[13] Namely, OCC compared the output of the subject scenarios with other Sufficiency Scenarios over a one-year period and determined that the subject eight scenarios consistently ranked the lowest in terms of the peak shortfalls generated as well as the percentage of occurrences that generated peak daily exposure for any Clearing Member Group. As a result, the eight scenarios had no impact on the amount of financial resources OCC collected from its members. The proposed changes would avoid unnecessary complexity in OCC's stress testing methodology by removing superfluous Sufficiency Scenarios.

Stress Scenario List Modifications

In connection with the proposed changes, OCC proposes to modify the sample list of stress scenarios in the Methodology Description to streamline and more clearly present the sample of scenarios codified in the document. The current embedded list represents a subset of Adequacy, Sizing, and

[6] Hypothetical scenarios represent events in which market conditions change in ways that have not yet been observed. In contrast, historical scenarios attempt to replicate historical events in current market conditions.

[7] OCC has provided data and analysis concerning the proposed rule change in Confidential Exhibit 3A to SR–OCC–2025–009, including the performance of the proposed scenarios relative to existing scenarios.

[8] *See* Exchange Act Release No. 100455 (Jul. 2, 2024), 89 FR 56452 (Jul. 9, 2024) (SR–OCC–2024–006) (implementing the Largest Rally/Decline from 2008 Sufficiency Scenarios with risk driver beta-derived price shocks).

[9] A ''risk factor'' is a product or attribute whose historical data is used to estimate and simulate the risk for an associated product. Risk factors include the returns on individual equity securities, returns on equity indexes, and returns on implied volatility, among others.

[10] For the waterfall approach, the actual return of the risk factor during the historical event is utilized as the price shock, if available. If unavailable, a proxy market return from a corresponding sector is utilized as the price shock. An actual return may be unavailable as not all current risk factors existed during a given historical period. Finally, if data is unavailable for both actual and sector returns, the price shock is determined by the ''beta'' of the risk factor to its assigned risk driver multiplied by the corresponding risk driver shock (the ''risk driver beta-derived price shock''). The ''beta'' is the sensitivity of a security with respect to its corresponding risk driver (*i.e.,* the sensitivity of the price of the security relative to the price of the risk driver). *See supra* notes 7 and 8.

[11] OCC currently maintains historical Sufficiency Scenarios representing the most extreme market rally and decline moves in 2020 using the waterfall approach (''corresponding Sufficiency Scenarios'').

[12] *See supra* note 7.

[13] *Id.*

Sufficiency Scenarios that have been implemented in OCC's stress testing system. OCC proposes to transition the list to narrative format in the ''Clearing Fund Sizing and Stress Testing'' section and make conforming changes to the ''Liquidity Stress Testing'' section. Changes would include the removal of certain Informational and Sufficiency Scenarios from the list, as described above, and modifications to allow for the addition of certain new scenarios as approved by OCC's Risk Committee pursuant to the Clearing Fund Methodology Policy.[14] Under the new narrative format, OCC would maintain certain key Adequacy, Sizing, and Sufficiency Scenarios in list form and would remove text made redundant by such changes. OCC also proposes changes that would highlight the ability to size the Clearing Fund using a scenario that exceeds a 1-in-80 year event (*e.g.,* a 1-in-90 year event) if the Stress Testing Working Group (''STWG''), Management Committee, and Risk Committee determine that using the larger scenario is necessary.[15] A conforming change would be made to the Clearing Fund Methodology Policy. Additionally, OCC proposes to remove references to specific Informational Scenarios, as these scenarios are subject to review and change by the STWG.[16] OCC would continue to maintain a description of its Informational Scenarios. Informational Scenarios are used for risk monitoring and informational purposes, distinct from OCC's Adequacy, Sizing, and Sufficiency Scenarios that inform the size and composition of OCC's mutualized financial resources. As these scenarios are used for informational purposes and have no impact on the amount of financial resources collected from members, OCC believes they represent information that is not inherent to its stress testing model design and has no impact on model results. To the extent these specific scenarios are not needed to understand how the model currently works, do not impact model results, and are subject to change from time to time based on market conditions, OCC does not believe they need to be maintained in its rules.

Scenario Calibration Amendments

In connection with the proposed changes, OCC also proposes to better align language related to scenario calibration with OCC's current practices. While OCC meets the requirements set out in the Methodology Description regarding scenario calibration, which are to implement a calibration at least annually and review the calibration quarterly, its current practices with respect to scenario calibration cadence and implementation differ slightly from the language used in the document as each quarterly calibration is implemented. The proposed changes use more specific language to memorialize staff responsibilities in the document to ensure they are appropriately carried out. Currently, OCC engages in a quarterly review of stress scenario calibrations and recommends updates to the STWG. Scenario calibration components that are reviewed include risk driver shocks, idiosyncratic scenario volatility shocks, and historical scenario sector shocks, among others. The proposed changes are intended to revise OCC's rules to match its current practices regarding when such scenario calibrations would be implemented, as described below.

The ''Stress Testing Model'' section sets out the responsibilities of various groups in relation to the scenario calibration process. OCC's current practice is to recalibrate scenario shocks at least quarterly, although the Methodology Description only requires that scenario shocks be implemented at least annually. The amended Methodology Description would align with OCC's current practice and state that scenario shocks are recalibrated and updated at least quarterly. Additionally, the Methodology Description currently states that, on a quarterly basis, or more frequently if OCC's Quantitative Risk Management team (''QRM'') or STWG determines that updates are necessary, QRM recalibrates risk driver shocks and reports its results to the STWG. Currently, the STWG is the group that determines whether more frequent updates are necessary. The amended Methodology Description would align with OCC's current practice to codify that the STWG and not the QRM determines whether more frequent updates are necessary. OCC also proposes to specify that the STWG will review and approve any updates to risk driver shocks prior to implementation, consistent with current practice. Furthermore, under the ''Stress Testing Scenario Construction'' section, OCC recalibrates scenario shocks at least annually and produces an analysis of the impact of these updates quarterly. As amended, OCC would recalibrate scenario shocks quarterly and produce an analysis of the impact of these updates at least quarterly. Such revisions would conform with the cadence noted above.

In addition, OCC proposes to update the Comprehensive Stress Testing (''CST'') Methodology document to include missing entries from the list of key tenors used for computing volatility beta, which were inadvertently excluded from the document as part of the changes envisaged by OCC's recently approved proposed rule change in connection with enhancements to the modeling approach for implied volatility components within OCC's margin methodology, the System for Theoretical Analysis and Numerical Simulations (''STANS'') and OCC's CST methodology, to better capture the risks associated with short-dated options (''SDO Enhancements''), File No. SR–OCC–2024–016.[17] The SDO Enhancements filing had proposed the extension of the volatility beta approach to cover constant maturity tenors expiring in less than one-month, by adding tenors at the 1-week (''1W'') and 2-week (''2W'') key points of the term structure to the CST Methodology. These missing tenors will be inserted along with other minor non-substantive updates and corrections.

Finally, OCC proposes making corrections to errors found in the document. Specifically, OCC is correcting the Liquidity Stress Testing section to accurately state that OCC adheres to a Cover 1 standard for liquidity stress testing and not a Cover 2 standard. Additionally, OCC is making non-substantive typographical edits throughout the document, including replacing a parenthetical with commas and changing the tense of a word in the ''Stress Testing Model'' section, correcting a spelling error in the ''Liquidity Risk Management'' section, and updating the list of references.

Implementation Timeframe

OCC expects to implement the proposed changes no later than sixty days from the date that OCC receives all necessary regulatory approvals for the filing in light of the technical system changes that are required to implement the additional stress scenarios. OCC will announce the implementation date of the proposed changes by an Information

[14] The Clearing Fund Methodology Policy allows the Stress Test Working Group to recommend for approval the creation or retirement of Adequacy, Sizing, or Sufficiency Stress Tests, subject to applicable governance requirements.

[15] The Clearing Fund Methodology Policy allows the STWG to recommend that a 1-in-90 year event be used in OCC's Sizing Scenarios, subject to applicable governance requirements.

[16] The Clearing Fund Methodology Policy states that the STWG may approve the creation or retirement of Informational Scenarios.

[17] *See* Exchange Act Release No. 102203, *supra* note 5.

Memorandum posted to its public website at least seven calendar days prior to implementation.[18]

2. Statutory Basis

OCC believes the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, OCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[19] and Rule 17ad–22(e)(4)[20] and Rule 17ad–22(e)(7)[21] thereunder, for the reasons described below.

Section 17A(b)(3)(F) of the Exchange Act[22] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities and derivatives transactions and, in general, protect investors and the public interest. OCC proposes to amend the Risk Policies to enhance its stress testing methodology, which OCC believes would promote the prompt and accurate clearance and settlement of securities and derivatives transactions. The proposed changes include the (1) recategorization of certain stress scenarios, (2) modifications to the sample list of stress scenarios in the Methodology Description, and (3) enhanced language related to scenario calibration. The proposed rule change would enhance OCC's framework for measuring, monitoring, and managing its credit and liquidity risks. Implementation of the additional Sufficiency Scenarios would enable OCC to test the sufficiency of its prefunded financial resources under a wider range of stress scenarios and respond quickly when OCC believes the collection of additional financial resources is necessary. The ability to appropriately size and test the sufficiency of prefunded financial resources is critical to ensuring that OCC can continue to provide prompt and accurate clearance and settlement of securities and derivatives transactions in the event of a Clearing Member default and manage the risks associated with its role as a systemically important financial market utility. Additional proposed changes would ensure that OCC's documentation and risk management practices remain clear and effective. For example, recategorizing certain Sufficiency Scenarios as Informational Scenarios would avoid unnecessary complexity in OCC's stress testing methodology by removing superfluous scenarios. Streamlining the sample list of scenarios in the Methodology Description would help ensure that OCC's stress testing practices remains clear, transparent, and effective. Amending language related to scenario calibration would more clearly set out the cadence of scenario calibration and the associated implementation process.

OCC believes that by ensuring that its documentation and risk management practices remain clear and effective, the proposed changes would protect investors and the public interest by providing that the requirements under the Risk Policies continue to be carried out properly such that OCC continues to maintain sufficient financial resources to cover its exposures under normal and stressed conditions and adequate resources to satisfy liquidity needs arising from its settlement obligations. Accordingly, OCC believes the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the Act.[23]

Rule 17ad–22(e)(4)(iii)[24] requires, in part, that a covered clearing agency 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 additional financial resources (beyond those used to maintain sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence) at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the participant family that would potentially cause the largest aggregate credit exposure for the covered clearing agency in extreme but plausible market conditions. Rule 17ad–22(e)(4)(vi)(A)[25] further requires, in part, that such policies and procedures are reasonably designed to test the sufficiency of the covered clearing agency's total financial resources available to meet the minimum financial resource requirements under Rule 17ad–22(e)(4)(iii)[26] by conducting stress testing of its total financial resources once each day using standard predetermined parameters and assumptions. As described above, the proposed changes would enable OCC to test the sufficiency of its prefunded financial resources under a wider range of stress scenarios, respond quickly when OCC believes additional financial resources are necessary, and promote clarity and transparency of its stress testing practices. Moreover, the proposed Sufficiency Scenarios were constructed in accordance with OCC's existing Methodology Description using standard predetermined parameters and assumptions. As a result, OCC believes the proposed rule change is designed to further OCC's compliance with the requirements of Rules 17ad–22(e)(4)(iii) and (vi)(A).[27]

Rule 17ad–22(e)(7)(vi)[28] requires, in part, that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by, at a minimum, determining the amount and regularly testing the sufficiency of the liquid resources held for purposes of meeting the minimum liquid resource requirement under Rule 17ad–22(e)(7)(i).[29] The proposed changes would allow OCC to measure, manage and monitor its liquidity risk and test the sufficiency of its liquid resources under a wider range of stress scenarios and respond quickly when OCC believes additional liquid resources from its Clearing Members are necessary. The inclusion of the proposed scenarios as Sufficiency Scenarios would increase the likelihood that OCC maintains sufficient liquid resources at all times. OCC thus believes the proposed rule change is consistent with the requirements of Rules 17ad–22(e)(7)(vi).[30]

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Exchange Act[31] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. While the proposed change to implement additional Sufficiency Scenarios could have an impact on certain Clearing Members, OCC does not believe that the

[18] Implementation of this rule change will be delayed until this change is deemed certified under CFTC Regulation 40.6.

[19] 15 U.S.C. 78q–1(b)(3)(F).

[20] 17 CFR 240.17ad–22(e)(4).

[21] 17 CFR 240.17ad–22(e)(7).

[22] 15 U.S.C. 78q–1(b)(3)(F).

[23] *Id.*

[24] 17 CFR 240.17ad–22(e)(4)(iii).

[25] 17 CFR 240.17ad–22(e)(4)(vi)(A).

[26] 17 CFR 240. 17ad–22(e)(4)(iii).

[27] 17 CFR 240.17ad–22(e)(4)(iii) and (vi)(A).

[28] 17 CFR 240.17ad–22(e)(7)(vi).

[29] 17 CFR 240.17ad–22(e)(7)(i).

[30] 17 CFR 240.17ad–22(e)(7)(vi).

[31] 15 U.S.C. 78q–1(b)(3)(I).

proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC's analysis indicates that the proposed Sufficiency Scenarios generate stress test exposures that are generally in line with its current, most impactful Sufficiency Scenarios.[32] OCC notes, however, that the results of these proposed scenarios may vary depending on the composition of each individual Clearing Member's portfolio at a given point in time. As a result, the proposed scenarios could from time-to-time result in more frequent or larger calls for additional resources.

The implementation of the new Sufficiency Scenarios would enable OCC to test the sufficiency of its financial resources under a wider range of relevant stress scenarios and respond quickly when OCC believes additional financial resources are required. The proposed changes are designed to improve OCC's ability to measure, monitor and manage its credit exposures to its participants consistent with its regulatory requirements under Rule 17ad–22(e)(4),[33] to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by OCC under Rule 17ad–22(e)(7),[34] and to enhance OCC's ability to manage risks in its role as a systemically important financial market utility.[35] Moreover, the proposed Sufficiency Scenarios were constructed in accordance with OCC's approved stress testing methodology using standard predetermined parameters and assumptions. These scenarios would help capture risks that OCC's current inventory of Sufficiency Scenarios may not capture. Accordingly, OCC believes that any impact on competition or OCC's Clearing Members would be necessary and appropriate in furtherance of the protection of investors and the public interest under the Act.

Additional proposed changes would ensure that OCC's documentation and risk management practices remain clear and effective. All Clearing Members would be equally subject to the changes. For the foregoing reasons, OCC believes that the proposed rule change is in the public interest, would be consistent with the requirements of the Exchange Act applicable to clearing agencies, and would not impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.[36]

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the selfregulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

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–OCC–2025–009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–OCC–2025–009. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.* 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–OCC–2025–009 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[37]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11877 Filed 6–26–25; 8:45 am]

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[32] OCC has provided data and analysis concerning the proposed rule change in Confidential Exhibit 3A to SR–OCC–2025–009.

[33] 17 CFR 240.17ad–22(e)(4).

[34] 17 CFR 240.17ad–22(e)(7).

[35] OCC has been designated by the Financial Stability Oversight Council as a systemically important financial market utility under Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

[36] 15 U.S.C. 78s(b)(1).

[37] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103316; File No. SR–MIAX–2025–26]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 1706, Consolidated Audit Trail Compliance Rule—Time Stamps, To Update the Expiration Date of the Exemption in Rule 1706(a)(2) From April 8, 2025 to April 8, 2030

June 24, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

notice is hereby given that on June 17, 2025, Miami International Securities Exchange, LLC (''MIAX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 1706 of the Exchange's compliance rule (''CAT Compliance Rule'') regarding the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'') [3] to be consistent with the exemptive relief granted by the Securities and Exchange Commission (the ''SEC'' or the ''Commission'') from certain provisions of the CAT NMS Plan related to timestamp granularity (''2025 Timestamp Granularity Exemption'').[4] Specifically, the Exchange proposes to update the expiration date of the exemption in Rule 1706(a)(2) from April 8, 2025 to April 8, 2030.

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 1706 of the CAT Compliance Rule to be consistent with the 2025 Timestamp Granularity Exemption. Under the 2025 Timestamp Granularity Exemption, the Commission extended the existing exemptive relief pursuant to which Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, from April 8, 2025 to April 8, 2030. Accordingly, the Exchange proposes to update the expiration date of the exemption in Rule 1706(a)(2) from April 8, 2025 to April 8, 2030.

On February 3, 2020, the Participants filed with the Commission a request for exemptive relief from the requirement in Section 6.8(b) of the CAT NMS Plan for each Participant, through its CAT Compliance Rule, to require that, to the extent that its Industry Members utilize timestamps in increments finer than nanoseconds in their order handling or execution systems, such Industry Members utilize such finer increment when reporting CAT Data to the Central Repository.[5] On April 8, 2020, the Participants received the requested exemptive relief.[6] As a condition to this exemption, the Participants, through their CAT Compliance Rules, required Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The exemption was to remain in effect for five years, until April 8, 2025.

In 2020, the Exchange amended paragraph (a)(2) of Rule 1706 to reflect this exemptive relief.[7] Specifically, the Exchange amended Rule 1706(a)(2) to state the following:

Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2025.

The language of Rule 1706(a)(2) has not been changed since that time.

The exemption granted in 2020, however would no longer be in effect after April 8, 2025, unless the period the exemption is in effect is extended by the SEC. Accordingly, on March 24, 2025, the Participants filed with the Commission a request to extend the existing exemptive relief for another five years, until April 8, 2030.[8] On May 2, 2025, the Participants received the requested exemptive relief from the Commission via the 2025 Timestamp Granularity Exemption. As a condition to this exemption, the Participants, through their CAT Compliance Rules, are required to require Industry Members that capture timestamps in increments more granular than nanoseconds to truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding up or down in such circumstances. The SEC granted the 2025 Timestamp Granularity Exemption for a period of five years, until April 8, 2030.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect the extended period set forth in the 2025 Timestamp Granularity Exemption, replacing the reference to April 8, 2025 with April 8, 2030. Specifically, the Exchange proposes to amend paragraph (a)(2) of Rule 1706 to state:

Subject to paragraph (b), to the extent that any Industry Member's order handling or execution systems utilize time stamps in increments finer than milliseconds, such Industry Member shall record and report Industry Member Data to the Central Repository with time stamps in such finer increment up to nanoseconds; provided, that Industry Members that capture timestamps in increments more granular than nanoseconds must truncate the timestamps after the nanosecond level for submission to CAT, rather than rounding such timestamps up or down, until April 8, 2030.

[3] Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule.

[4] Securities Exchange Act Rel. No. 102980 (May 2, 2025), 90 FR 19334 (May 7, 2025).

[5] *See* Letter to Vanessa Countryman, Secretary, SEC, from Michael Simon, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Granularity of Timestamps and Relationship Identifiers (Feb. 3, 2020).

[6] *See* Securities Exchange Act Release No. 88608 (April 8, 2020), 85 FR 20743 (April 14, 2020).

[7] *See* Securities Exchange Act Release No. 89117 (June 22, 2020) 85 FR 38434 (June 26, 2020) (SR–MIAX–2020–18).

[8] *See* Letter to Vanessa Countryman, Secretary, SEC, from Brandon Becker, CAT NMS Plan Operating Committee Chair, re: Request for Exemption from Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail related to Timestamp Granularity (Mar. 24, 2025).

The Exchange notes that Exchange Rule 1706 as proposed to be amended by this filing, is incorporated by reference into the rulebooks of the Exchange's affiliates, MIAX PEARL, LLC (''MIAX Pearl''), MIAX Emerald, LLC (''MIAX Emerald''), and MIAX Sapphire, LLC (''MIAX Sapphire''). As such, the amendment of Exchange Rule 1706 as proposed herein will also apply to MIAX Pearl, MIAX Emerald, and MIAX Sapphire members.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,[9] which require, among other things, that the Exchange's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(b)(8) of the Act,[10] which requires that the Exchange's rules not impose any burden on competition that is not necessary or appropriate.

The Exchange believes that this proposal is consistent with the Act because it is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [11] To the extent that this proposal implements the Plan, including the exemptive relief related thereto, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Exchange Act.

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 Exchange Act. The Exchange notes that the proposed rule change is consistent with the exemptive relief that has been in place for five years, is consistent with the 2025 Timestamp Granularity Exemption, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade NMS Securities and OTC Equity Securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6) [13] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) [15] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [16] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[17] the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange's CAT Compliance Rule to reflect the expiration date for exemptive relief relating to timestamp granularity approved by the Commission on May 2, 2025, and the proposal does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–MIAX–2025–26 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–MIAX–2025–26. 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

[9] 15 U.S.C. 78f(b)(6).

[10] 15 U.S.C. 78f(b)(8).

[11] *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–MIAX–2025–26 and should be submitted on or before July 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11885 Filed 6–26–25; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21108 and #21109; MISSOURI Disaster Number MO–20016]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Missouri

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Missouri (FEMA–4867–DR), dated May 21, 2025.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Wildfires.

DATES: Issued on June 24, 2025.

Incident Period: March 14, 2025, through March 15, 2025.

Physical Loan Application Deadline Date: July 22, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: February 23, 2026.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Missouri, dated May 21, 2025, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Camden.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2025–11916 Filed 6–26–25; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21161 and #21162; Missouri Disaster Number MO–20017]

Administrative Declaration of a Disaster for the State of Missouri

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Missouri dated June 23, 2025.

Incident: Severe Storms, Tornadoes, Straight-line Winds, Heavy Rains, Large Hail, Flooding, and Flash Flooding.

DATES: Issued on June 23, 2025.

Incident Period: April 29, 2025.

Physical Loan Application Deadline Date: August 22, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: March 23, 2026.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Greene, Lawrence, Newton.

Contiguous Counties:

MISSOURI: Barry, Christian, Dade, Dallas, Jasper, McDonald, Polk, Stone, Webster.

KANSAS: Cherokee.

OKLAHOMA: Ottawa.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.625
Homeowners without Credit Available Elsewhere	2.813
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.625
Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21161B and for economic injury is 211620.

The States which received an EIDL Declaration are Kansas, Missouri, Oklahoma.

(Catalog of Federal Domestic Assistance Number 59008)

James Stallings,

Associate Administrator, Office of Disaster Recovery and Resilience.

[FR Doc. 2025–11978 Filed 6–26–25; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The U.S. Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for a new information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures,

[19] 17 CFR 200.30–3(a)(12) and (59).

SBA is publishing this notice to allow all interested members of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before July 28, 2025.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Small Business Administration''; ''Currently Under Review,'' then select the ''Only Show ICR for Public Comment'' checkbox. This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Office at *Shauniece.Carter@sba.gov;* (202) 205–6536, or from *www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: The SBA and other Federal agencies offer financial assistance and special contracting opportunities for business concerns that are small according to size standards found at 13 CFR 121.201. This form provides information about the business being reviewed to determine whether it is eligible for small business programs. The form also collects information to allow SBA to determine whether the business seeking assistance has one or more affiliates, based on the affiliation rules in 13 CFR 121.103 (contracting and development programs) and 121.301 (financial assistance).

Section 8(b)(6) of the Small Business Act authorizes SBA to determine status as a ''small business concern'' for a business seeking assistance under the Act, and 13 CFR 121.1008(c) authorizes SBA to collect information about the business subject to a review. SBA conducts formal size determinations when there is a size protest against an apparent awardee of a Federal solicitation that has been fully or partially restricted to small businesses. See 13 CFR 121.1001 *et seq.* The size determination is conducted by the responsible SBA Government Contracting Area Office. As part of the process of the size determination, the Area Office collects information about the protested firm using SBA Form 355, Information for Small Business Size Determination. SBA Form 355 is electronically fillable and is reviewed by Size Specialists at the various Area Offices. If the information in SBA Form 355 is not collected, then it is not possible for the Area Office to conduct the formal size determination as required under 13 CFR 121.1009. Failing to collect the information described above would impede SBA's ability to complete size determinations for the socioeconomic programs.

This PRA submission is a renewal information collection for SBA Form 355.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

OMB Control Number: 3245–0101.

Title: Information for Small Business Size Determination.

Description of Respondents: Small Businesses or protested firms.

SBA Form Number: SBA Form 355.

Estimated Number of Respondents: 250.

Estimated Annual Responses: 250.

Estimated Annual Hour Burden: 1,000.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2025–11981 Filed 6–26–25; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21163 and #21164; OREGON Disaster Number OR–20010]

Administrative Declaration of a Disaster for the State of Oregon

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Oregon dated June 24, 2025.

Incident: Severe Storms, Flooding, Landslides and Mudslides.

Incident Period: March 13, 2025, through March 20, 2025.

DATES: Issued on June 24, 2025.

Physical Loan Application Deadline Date: August 25, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: March 24, 2026.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Douglas.

Contiguous Counties:

Oregon: Coos, Curry, Jackson, Josephine, Klamath, Lane.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.500
Homeowners without Credit Available Elsewhere	2.750
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.625
Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 211636 and for economic injury is 211640.

The State which received an EIDL Declaration is Oregon.

(Catalog of Federal Domestic Assistance Number 59008)

James Stallings,

Associate Administrator, Office of Disaster Recovery and Resilience.

[FR Doc. 2025–11917 Filed 6–26–25; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12755]

Notice of Determinations; Additional Culturally Significant Object Being Imported for Exhibition—Determinations: ''Man Ray: When Objects Dream'' Exhibition

SUMMARY: On August 27, 2024, notice was published in the **Federal Register** of determinations pertaining to certain objects to be imported for temporary conservation, storage, and display in an exhibition entitled ''Man Ray: When Objects Dream.'' On May 27, 2025, notice was published in the **Federal Register** of determinations pertaining to certain additional objects to be imported for temporary display in the aforesaid exhibition. Notice is hereby given of the following determinations: I hereby determine that a certain additional object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary display in the aforesaid exhibition at The Metropolitan Museum of Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. and 574 of March 4, 2025. The notice of determinations published on August 27, 2024, appears at 89 FR 68698, and the notice of determinations published on May 27, 2025, appears at 90 FR 22436.

Mary C. Miner,

Managing Director for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–11853 Filed 6–26–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12753]

Notice of Determinations; Additional Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Rachel Ruysch: Artist, Naturalist, and Pioneer'' Exhibition

SUMMARY: On March 17, 2025, notice was published in the **Federal Register** of determinations pertaining to certain objects to be included in an exhibition entitled ''Rachel Ruysch: Nature into Art.'' Notice is hereby given of the following determinations: I hereby determine that certain additional objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the aforesaid exhibition, now entitled ''Rachel Ruysch: Artist, Naturalist, and Pioneer,'' at the Museum of Fine Arts, Boston, in Boston, Massachusetts, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 574 of March 4, 2025. The notice of determinations published on March 17, 2025, appears at 90 FR 12440.

Mary C. Miner,

Managing Director for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–11850 Filed 6–26–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12752]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Divine Egypt'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Divine Egypt'' at The Metropolitan Museum of Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 574 of March 4, 2025.

Mary C. Miner,

Managing Director for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–11851 Filed 6–26–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12749]

Determinations Regarding Use of Chemical Weapons by Sudan Under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991

SUMMARY: The Senior Official performing the functions of the Under Secretary for Arms Control and International Security, acting under authority delegated pursuant to an Executive order, has determined pursuant to section 306(a) of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (the Act), 22 U.S.C. 5604(a), that the Government of Sudan has used chemical weapons in violation of international law. In addition, the Senior Official performing the functions of the Under Secretary for Arms Control and International Security has determined and certified to Congress pursuant to section 307(d) of the Act (22 U.S.C. 5605(d)) that it is essential to the national security interests of the United States to partially waive the application of the sanctions required under section 307(a) of the Act with respect to foreign assistance, licenses and other authorizations for the export of items on the U.S. Munitions List (USML), and the licensing of national security-sensitive goods and technology. The following is a notice of the sanctions to be imposed pursuant to section 307(a) of the Act, subject to these waivers.

DATES: This notice is effective on June 27, 2025.

FOR FURTHER INFORMATION CONTACT: Pamela K. Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State, Telephone (202) 647–4930.

SUPPLEMENTARY INFORMATION: Pursuant to sections 306(a), 307(a), and 307(d) of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5604(a), 5605(a), and 5605(d)), on April 24, 2025 the Senior Official performing the functions of the Under Secretary for Arms Control and International Security determined that the Government of Sudan has used chemical or biological weapons in violation of international law or lethal chemical or biological weapons against its own nationals. As a result, the following sanctions are hereby imposed:

1. *Foreign Assistance:* Termination of assistance to Sudan under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance and food or other agricultural commodities or products.

The Senior Official performing the functions of the Under Secretary for Arms Control and International Security has determined that it is essential to the national security interests of the United States to waive the application of this restriction.

2. *Arms Sales:* Termination of (a) sales to Sudan under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and (b) licenses for the export to Sudan of any item on the United States Munitions List.

The Senior Official performing the functions of the Under Secretary for Arms Control and International Security has determined that it is essential to the national security interests of the United States to partially waive the application this sanction to allow for case-by-case adjudication of licenses or other authorizations for defense articles and defense services for entities other than the Government of Sudan on a case-by-case basis for the purposes described pursuant to section 126.1(v) of the International Traffic in Arms Regulations (ITAR).

3. *Arms Sales Financing:* Termination of all foreign military financing for Sudan under the Arms Export Control Act.

4. *Denial of United States Government Credit or Other Financial Assistance:* Denial to Sudan of any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

5. *Exports of National Security-Sensitive Goods and Technology:* Prohibition on the export to Sudan of any goods or technology controlled for National Security (NS) reasons on the Commerce Control List (CCL) established under 50 U.S.C. 4813(a)(1).

The Senior Official performing the functions of the Under Secretary for Arms Control and International Security has determined that it is essential to the national security interests of the United States to waive the application of this sanction in order to allow the authorization of exports or re-exports of NS-controlled goods or technology to Sudan in accordance with the following policies:

License Exceptions: Exports and re-exports of NS-controlled goods or technology on the CCL may be authorized under License Exceptions GOV, ENC, BAG, TMP, RPL, TSU and ACE, as described in 15 CFR part 740.

Safety of Flight: Exports and re-exports of NS-controlled goods or technology may be authorized pursuant to new licenses when necessary for the safety of flight of civil fixed-wing passenger aviation, provided that such licenses shall be issued consistent with export licensing policy for Sudan prior to the date of the determination.

Deemed Exports/Re-Exports: Exports and re-exports of goods or technology may be authorized pursuant to new licenses for deemed exports and re-exports to Sudanese nationals, provided that such licenses shall be issued consistent with export licensing policy for Sudan prior to the date of the determination.

Wholly-Owned U.S. and Other Foreign Subsidiaries: Exports and re-exports of NS controlled goods or technology may be authorized pursuant to new licenses for exports and re-exports to wholly-owned U.S. and other foreign subsidiaries in Sudan, provided that such licenses shall be issued consistent with export licensing policy for Sudan prior to the date of the determination.

These measures shall be implemented by the responsible departments and agencies of the United States government and will remain in place for at least one year and until further notice.

Paul S. Watzlavick,

Senior Official performing the functions of the Assistant Secretary Bureau of International Security and Nonproliferation Department of State.

[FR Doc. 2025–11896 Filed 6–26–25; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice: 12756]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''The Art of Generosity: Late Roman Medallions'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition ''The Art of Generosity: Late Roman Medallions'' at Dumbarton Oaks, Washington, District of Columbia, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public

Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 574 of March 4, 2025.

Mary C. Miner,

Managing Director for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–11854 Filed 6–26–25; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36839]

Cumberland & Knox Railroad, LLC—Modified Certificate of Public Convenience and Necessity

Cumberland & Knox Railroad, LLC (C&K),[1] a noncarrier, has filed a notice for a modified certificate of public convenience and necessity under 49 CFR part 1150 subpart C—*Modified Certificate of Public Convenience and Necessity,* for C&K to operate a portion of the Rockland Branch, owned by the state of Maine (the State), between milepost 33.79 [2] at Brunswick, Me., and milepost 85.91 at Rockland, Me. (the Line).[3]

C&K states that the Line was authorized for abandonment by a decision of the Interstate Commerce Commission in Docket No. AB–83 (Sub-No. 8) served on October 10, 1985. According to C&K, the Line was subsequently acquired by the State. (Notice 2.) *See Safe Handling Rail, Inc.—Modified Rail Certificate,* FD 33967 (STB served Dec. 22, 2000).

According to the notice, C&K and the State have entered into an Operating Lease Agreement, dated April 30, 2025,[4] which provides an initial term from April 30, 2025, until December 30, 2030. (Notice 3.)

The Line qualifies for a modified certificate of public convenience and necessity. *See Common Carrier Status of States, State Agencies & Instrumentalities & Pol. Subdivs.,* FD 28990F (ICC served July 16, 1981); 49 CFR 1150.22. C&K states that no subsidy is involved and that there will be no preconditions that shippers must meet to receive service. (Notice 3.) C&K's notice also includes a certificate of liability insurance coverage. (Notice Ex. A.)

This notice will be served on the Association of American Railroads (Car Service Division), as agent for all railroads subscribing to the car-service and car-hire agreement, at 425 Third Street SW, Suite 1000, Washington, DC 20024; and on the American Short Line and Regional Railroad Association at 50 F Street NW, Suite 500, Washington, DC 20001.

Board decisions and notices are available at *www.stb.gov.*

Decided: June 24, 2025.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Tammy Lowery,

Clearance Clerk.

[FR Doc. 2025–11898 Filed 6–26–25; 8:45 am]

BILLING CODE 4915–01–P

[1] The notice indicates that C&K is a new entity and an affiliate of Maine Switching Services, LLC, which will provide financial responsibility for C&K obligations until such time as C&K can assume that responsibility. (Notice 2.)

[2] C&K states that CSX Transportation, Inc. (CSXT), has an easement on an adjoining segment, from milepost 28.03 to milepost 33.79. (Notice 3.) According to the notice, C&K and CSXT are discussing the precise interchange location, which is anticipated to be on the adjoining CSXT segment. (*Id.*)

[3] Although the notice describes the Line as a portion of the Rockland Branch, it appears that the segment from milepost 85.55 to milepost 85.91 is part of the Atlantic Branch Line, which is also owned by the State. *See Midcoast Railservice, Inc.—Discontinuance of Serv. Exemption—in Cumberland, Knox, Lincoln, Sagadahoc Cntys., Me.,* AB 1341X (STB served Dec. 3, 2024).

[4] Public and confidential versions of the Lease and Operating Agreement were filed. The confidential versions were submitted under seal concurrently with a motion for protective order, which will be addressed in a separate decision.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–0578]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 8, 2025. The collection involves information collected which will be used by air carriers and by the FAA to adequately target its inspection resources for surveillance and make accurate risk assessments.

DATES: Written comments should be submitted by 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.

FOR FURTHER INFORMATION CONTACT: Greg Young by email at: *greg.young@faa.gov;* phone: 206–231–3737.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0766.

Title: Air Carrier Contract Maintenance Requirements.

Form Numbers: There are no forms associated with this collection.

Type of Review: This is a renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 8, 2025, FR Doc. 2025–05966. Air carrier maintenance has evolved from mostly an ''in-house'' operation to an extended network of maintenance providers that fulfill contracts with air carriers to perform their aircraft maintenance. Any person performing maintenance for an air carrier must follow the air carrier's maintenance manual. The FAA has found that,

although an air carrier is required to list its maintenance providers and a general description of the work to be done in its maintenance manual, these lists are not always kept up to date, are not always complete, and are not always in a format that is readily useful for FAA oversight and analysis purposes. Without accurate and complete information on the work being performed for air carriers, the FAA cannot adequately target its inspection resources for surveillance and make accurate risk assessments. This collection of information supports regulatory requirements necessary under 14 CFR part 121 and part 135 to ensure safety of flight by requiring air carriers to provide a list that includes the name and physical (street) address, or addresses, where the work is carried out for each maintenance provider that performs work for the certificate holder, and a description of the type of maintenance, preventive maintenance, or alteration that is to be performed at each location. The list must be updated with any changes, including additions or deletions, and the updated list provided to the FAA in a format acceptable to the FAA by the last day of each calendar month. This collection also supports the FAA's strategic goal to provide to the next level of safety, by achieving the lowest possible accident rate and always improving safety, so all users of our aviation system can arrive safely at their destinations.

Respondents: 303 air carriers (62 Part 121 air carriers and 241 part 135 air carriers).

Frequency: Monthly.

Estimated Average Burden per Response: Eight hours.

Estimated Total Annual Burden: 2,424 hours.

Issued in Des Moines, WA. On June 24th, 2025.

William G. Young,

Aviation Safety Inspector, Flight Standards, Aircraft Maintenance Division, Commercial Aviation Group.

[FR Doc. 2025–11919 Filed 6–26–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Intent To Prepare an Environmental Impact Statement for the Kitsap Transit Fast Ferry Terminal Project, King County, Washington

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The Federal Transit Administration (FTA), as Federal lead agency, and Kitsap Transit, as local project sponsor and joint lead agency, issue this notice to advise the public that they intend to prepare an environmental impact statement (EIS) pursuant to the National Environmental Policy Act (NEPA) for the Kitsap Transit Fast Ferry Terminal Project (Project) located in the City of Seattle, King County, Washington. The Project would construct a new fast ferry terminal on the downtown Seattle waterfront in order to expand passenger-only ferry (POF) terminal facility capacity.

DATES: Comments related to the scope of the EIS for this Project must be received on or before August 11, 2025.

ADDRESSES: Comments on the scope of the EIS should be directed to: Steffani Lillie, Kitsap Transit Service and Capital Development Director, 60 Washington Avenue, Suite 200, Bremerton, WA 98337; by email to *ktplanning@kitsaptransit.com,* by Project website at *https://www.kitsaptransit.com/seattle-fast-ferry-terminal-project;* or by telephone at (360) 478–6931. Requests for alternative formats: (360) 479–4348.

FOR FURTHER INFORMATION CONTACT: For FTA: Barney Remington, FTA Environmental Protection Specialist, Region 10, *FTA.TRO10.Environmental@dot.gov,* (206) 220–7966. For Kitsap Transit: Steffani Lillie, Kitsap Transit Service and Capital Development Director, *ktplanning@kitsaptransit.com,* (360) 478–6931.

SUPPLEMENTARY INFORMATION: FTA and Kitsap Transit conducted early scoping during the Project's site screening and alternatives development phase. Early scoping is an optional step in the NEPA process that invites input from stakeholder agencies, tribes, members of the public, and other interested parties early in project planning. Early scoping was also conducted under the Washington State Environmental Policy Act (SEPA) rules regarding expanded scoping (Washington Administrative Code 197–11–410). Kitsap Transit is the lead agency under SEPA. During early scoping, FTA and Kitsap Transit published a notice (87 FR 29212) to advise stakeholder agencies, tribes, and the public about the Project and invited comments on:

- The Project's proposed purpose and need statement developed for the Early Scoping Notice.
- The refined list of screening criteria developed through early public outreach as provided in the Early Scoping Information Report in May 2022.
- The potential impacts and benefits of the Project.
- Other considerations relevant to the evaluation of alternatives (*e.g.,* other planned future development projects in the study area).

The comment period closed on June 13, 2022, and a total of 57 comments were received. These comments were summarized in an Early Scoping Summary report in August 2022. Kitsap Transit subsequently conducted preliminary site screening using the criteria refined through early scoping to identify reasonable alternatives. The results of this screening are detailed in the Preliminary Screening and Site Evaluation Report in July 2023. The reports, along with other Project information, are available on the project website: *https://www.kitsaptransit.com/seattle-fast-ferry-terminal-project,* by contacting the project email at *ktplanning@kitsaptransit.com* or the project phone line at (360) 478–6931.

FTA has identified federal, state and local agencies that will be invited to be involved in the EIS process as cooperating or participating agencies, as well as tribes that will be invited to be involved as participating agencies.

FTA has determined that the Project will not be evaluated as a major project, as defined in 23 U.S.C. 139(a)(7).

I. Purpose and Need for the Proposed Action

The purpose of the Project is to improve regional mobility through the expanded passenger-only ferry (POF) terminal facilities on the downtown Seattle waterfront to:

- Increase vessel docking capacity.
- Increase passenger staging capacity and improve rider amenities, including restrooms and bicycle storage.
- Incorporate shoreside infrastructure and equipment to support electric vessel charging.
- Increase integration of POF travel with other transit modes.
- Maintain or improve rider accessibility to Seattle business, employment, cultural, and retail destinations.
- Create opportunities for growth for regional POF routes throughout the Puget Sound Region.
- Improve access to jobs and housing opportunities in regional growth centers.

The need for the Project is as follows:

- The current POF terminal, Pier 50, is the only public facility of its kind in downtown Seattle, and can only accommodate two vessels at one time.
- The Pier 50 POF terminal facility does not have shoreside space for equipment and infrastructure needed to

support future electric vessel charging, such as energy storage systems.

- Kitsap Transit's POF service frequency cannot be increased during peak commute periods due to the limited landing site capacity. Current service is limited to 12 landings from the three Kitsap Transit routes within the peak period.
- Terminal docking congestion leads to cascading departure delays and schedule disruptions.
- Access between the more affordable housing on the Kitsap peninsula and the downtown Seattle job center is constrained due to limited frequency of the POF ferry service. Alternatives to POF ferry service include auto/passenger ferry service provided by Washington State Ferries, bus transit, or driving, all of which result in travel times roughly twice as long as Kitsap Transit's POF service routes.
- The Puget Sound Regional Council (PSRC) 2020 Puget Sound Passenger-only Ferry Study identified the lack of landing site capacity in downtown Seattle as a barrier to potential future routes or service expansion.

II. Description of Proposed Action and Alternatives

Kitsap Transit launched the Project to expand POF terminal facility capacity in downtown Seattle. Sites along the downtown Seattle waterfront are limited and in demand for water-dependent uses, and available space is constrained. Development of a new POF terminal facility would improve reliability of this regional transit service by addressing the current limited POF landing site capacity on the Seattle waterfront at the current Pier 50 location.

Three build alternatives and a no-build alternative are anticipated to be evaluated in the EIS, as described in the Preliminary Screening and Site Evaluation Report (July 2023). Kitsap Transit has identified the minimum physical and operational requirements of the Project, which will be integrated into the design of all alternatives and described as follows:

- Four operating slips for vessel operations, with sufficient in-water space to allow simultaneous maneuvering of at least two vessels.
- A high level of pedestrian and multi-modal connectivity to provide riders with access to jobs, services, and connections to other regional transit modes (such as light rail and bus service).
- The ability for queuing and disembarking of up to 700 passengers from all three Kitsap Transit routes simultaneously.
- Vehicle access for deliveries, passenger pick-up/drop-off spaces, and storage/access for bikes and scooters.
- Restrooms and other passenger amenities, such as ticket vending machines and electronic signage.
- Administrative office space, storage for supplies and operating equipment, and maintenance vehicle parking.

Kitsap Transit anticipates that vessel electrification or use of alternative fuels will be required for ferries to achieve state goals for reduced or zero emissions. The new facility would include additional upland and in-water space where infrastructure could be added for future electric charging of vessels or to accommodate the future adoption of other alternative fuels. Although future service expansion or new routes are not planned at this time, the Project would include sufficient additional space to not preclude future expansion of existing service and/or new routes.

Kitsap Transit has identified the following three potential sites on the Seattle waterfront where the Project could be sited: Pier 46 North Apron, Pier 48, and Pier 58. At each site alternative, the Project would include construction of the following elements:

- Overwater structures, including vessel slips and passenger ramps, with capacity for four passenger-only ferries.
- Shoreside electric charging equipment to support future electric vessel operations.
- A terminal building constructed on an over-water pier with passenger queuing and egress space on all three Kitsap Transit routes, and associated crew and office spaces.
- Upland pedestrian and multi-modal pathways to connect passengers with Alaskan Way and existing pedestrian connections.
- Vehicle access for deliveries, passenger pick-up/drop-off spaces, and storage/access for bikes and scooters.

III. Summary of Expected Impacts

Consistent with NEPA, FTA and Kitsap Transit will evaluate, with input from the public, tribes, and stakeholder agencies, the reasonably foreseeable impacts of the alternatives on the natural, built, and socioeconomic environments. Likely areas of investigation include community facilities, transportation, land use and consistency with applicable plans, land acquisition and displacements, socioeconomics, parks and recreation resources, public services/safety/security, utilities, historic and archaeological resources, visual and aesthetic resources, air quality, noise and vibration, energy use, geology and soils, hazardous materials, safety and security, and ecosystems, including threatened and endangered species and marine mammals. The EIS will evaluate short-term construction impacts and long-term operational impacts. It will also consider reasonably foreseeable impacts. The EIS will also propose measures to avoid, minimize, or mitigate significant adverse impacts.

FTA and Kitsap Transit will comply with all Federal environmental laws, regulations, and executive orders applicable to the proposed project during the environmental review process.

IV. Anticipated Federal Permits and Other Authorizations

Advisory Council on Historic Preservation:
- National Historic Preservation Act, Section 106 Review

Federal Transit Administration:
- NEPA Final Environmental Impact Statement and Record of Decision
- National Historic Preservation Act, Section 106 Review
- Section 4(f) Requirements

Federal Emergency Management Agency:
- Conditional Letter of Map Revision (if needed)
- Letter of Map Revision (if needed)

United States Army Corps of Engineers:
- Clean Water Act, Section 404 Permit (if needed) (including WA Department of Ecology Water)
- Quality Certification: Clean Water Act (Section 401)
- Rivers and Harbors Act, Section 10 Permit (if needed)
- Clean Water Act, Section 408 Permit (if needed)

United States Coast Guard:
- Rivers and Harbors Act, Section 10 Permit (if needed)

United States Fish and Wildlife Service:
- Endangered Species Act Consultation

National Oceanic and Atmospheric Administration and National Marine Fisheries Service:
- Endangered Species Act Consultation
- Magnuson-Stevens Fishery Conservation and Management Act, Essential Fish Habitat Consultation
- Marine Mammal Take Incidental Harassment Authorization (if needed)

United States Department of the Interior:
- Section 4(f) Requirements
- Land and Water Conservation Fund Act, Section 6(f) (if needed)

V. Schedule for the Decision-Making Process

Below is a tentative schedule for the decision-making process, including environmental review milestones:

Draft EIS publication: June 2026.

Confirmation or modification of the Preferred Alternative: September 2026.

Final EIS publication: May 2027.

Record of Decision: September 2027.

As noted in the tentative schedule, FTA and Kitsap Transit intend to complete the EIS for the Project within two years, measured from the date of the publication of this notice to issuance of the Final EIS. FTA and Kitsap Transit will accept public comments on the scope of the EIS (*i.e.,* the information presented in this notice) at *https://www.kitsaptransit.com/seattle-fast-ferry-terminal-project* until August 11, 2025. FTA and Kitsap Transit will then consider those comments as they prepare the Draft EIS, and will announce the availability of the Draft EIS in the **Federal Register** and via local media outlets. Kitsap Transit expects the Draft EIS will be available for a minimum of 30 days for the public comment period starting in June 2026. The Draft EIS will be distributed and available for review and comment by stakeholder agencies, tribes, the public and other interested parties prior to a public hearing. FTA and Kitsap Transit will consider substantive comments timely submitted during the public comment period and anticipate issuing a Final EIS in May 2027 and issuing a record of decision in September 2027. The Final EIS will identify a preferred alternative and any necessary mitigation commitments. FTA and Kitsap Transit expect that all Federal environmental authorization decisions for the construction of the Project will be completed before or within a reasonable period following issuance of the record of decision.

Notices of public meetings, including hearings, have been, and will continue to be, given through a variety of media providing the time and place of the meeting(s) along with other relevant information. Meeting date, time, and location information can be found on the Project website at *https://www.kitsaptransit.com/seattle-fast-ferry-terminal-project.* Public meeting locations will comply with the Americans with Disabilities Act. People needing special accommodations should contact Kitsap Transit via email at *ktplanning@kitsaptransit.com* or via telephone at (360) 478–6931. People needing information on alternative formats can call (360) 479–4348.

Susan K. Fletcher,

Regional Administrator, FTA Region 10.

[FR Doc. 2025–11897 Filed 6–26–25; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons and vessels that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. The vessels placed on the SDN List have been identified as property in which a blocked person has an interest.

DATES: This action was issued on June 20, 2025. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Licensing, 202–622–2480; Assistant Director for Sanctions Compliance, 202–622–2490 or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

Notice of OFAC Action

On June 20, 2025, OFAC published the following revised information for the entries on the SDN List for the following persons blocked under the relevant sanctions authorities listed below.

BILLING CODE 4810–AL–P

Individuals

1. DASTGIRI, Reza Sakan (Arabic: رضا سکان دستگیری), United Arab Emirates; DOB 08 Aug 1978; alt. DOB 23 Aug 1978; POB Maku, Iran; nationality Iran; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; National ID No. 2830283775 (Iran) (individual) [SDGT] [IFSR] (Linked To: ANSAR EXCHANGE; Linked To: BANK MELLI IRAN).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSAR EXCHANGE.

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, BANK MELLI IRAN.

2. SAKAN, Suleyman (a.k.a. SAKAN DASTGIRI, Soleyman), Istanbul, Turkey; DOB 25 Sep 1965; POB Maku, Iran; nationality Turkey; alt. nationality Iran; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport U06595028 (Turkey); alt. Passport N97115360 (Iran) expires 12 May 2027; National ID No. 63853420562 (Turkey); alt. National ID No. 2830281772 (Iran) (individual) [SDGT] [IFSR] (Linked To: ANSAR EXCHANGE).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSAR EXCHANGE.

Entity

1. REZA SAKAN DASTGIRI AND PARTNERS MAKU FREE ZONE TAZAMONI COMPANY (a.k.a. JOINT PARTNERSHIP OF REZA SAKAN DASTGIRI AND ASSOCIATES; a.k.a. REZA SAKAN DASTGIRI AND PARTNERS LIABILITY PARTNERSHIP; a.k.a. TAZAMONI REZA SAKAN DASTGIRI VA SHORAK; a.k.a. "SAKAN EXCHANGE"), No. 22, First Floor, Islaelzadeh Building, Shahid Javad Ghanbari Street, Bazargan, Maku Free Trade Zone, West Azerbaijan, Iran; Unit 22, Bostan Building, Shahid Javad Ghanbari Street, Bazargan, Maku, West Azerbaijan, Iran; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; National ID No. 14003282053 (Iran); Business Registration Number 905 (Iran) [SDGT] [IFSR] (Linked To: DASTGIRI, Reza Sakan).

   Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, ANSAR EXCHANGE.

BILLING CODE 4810–AL–C

On June 20, 2025, OFAC also determined that circumstances no longer warrant the inclusion of the following person on the SDN List and their property and interests in property are no longer blocked pursuant to E.O. 13224:

Entity

1. SAKAN GENERAL TRADING (a.k.a. ROYAL CREDIT GENERAL TRADING; a.k.a. SAKAN GENERAL TRADING, LLC), 14th Floor, Office 1401, Al Owais Business Tower, 53, 24th Street, Al Sabkha–115, Deira, Dubai, United Arab Emirates; Additional Sanctions Information—Subject to Secondary Sanctions; Secondary sanctions risk: section 1(b) of

Executive Order 13224, as amended by Executive Order 13886; License 611462 (United Arab Emirates) [SDGT] [IFSR] (Linked To: ANSAR EXCHANGE).

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2025–11895 Filed 6–26–25; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of one person that has been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of this person are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on June 24, 2025. See **SUPPLEMENTARY INFORMATION** section for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Sanctions Compliance, 202–622–2490; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

Notice of OFAC Action

On June 24, 2025, OFAC determined that that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authorities listed below.

Individuals

1. MOSQUERA SERRANO, Giovanni Vicente (a.k.a. ''El Viejo''; a.k.a. ''Giovanny''; a.k.a. ''Giovanny San Vicente''), Venezuela; Colombia; DOB 22 Feb 1988; POB San Vicente, Aragua, Venezuela; nationality Venezuela; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Cedula No. 20243384 (Venezuela) (individual) [SDGT] [TCO] (Linked To: TREN DE ARAGUA).

Designated pursuant to section 1(a)(ii)(C) of Executive Order 13581 of July 24, 2011, ''Blocking Property of Transnational Criminal Organizations,'' 76 FR 44757 (July 27, 2011), as amended by Executive Order 13863 of March 15, 2019, ''Taking Additional Steps to Address the National Emergency With Respect to Significant Transnational Criminal Organizations,'' 84 FR 10255 (March 19, 2019) (E.O. 13581, as amended) for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, TREN DE ARAGUA, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

Designated pursuant to section 1(a)(iii)(A) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism,'' 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, ''Modernizing Sanctions To Combat Terrorism,'' 84 FR 48041 (E.O. 13224, as amended) for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, TREN DE ARAGUA, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2025–11894 Filed 6–26–25; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Collection Activities; Requesting Comments on Form 8822 and Form 8822–B

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 26, 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. 1545–1163 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Jason Schoonmaker, (801) 620–2128.

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: Change of Address or Change of Address or Responsible Party—Business.

OMB Number: 1545–1163.

Form Number: 8822 and 8822–B.

Abstract: Form 8822 is used by taxpayers to notify the Internal Revenue Service that they have changed their home or business address or business location. Form 8822–B is used to notify the Internal Revenue Service of a change in a business mailing address, business location, or the identity of a responsible party.

Current Actions: There is no change to the existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Estimated Number of Responses: 390,900.

Estimated Time per Respondent: 16 minutes.

Estimated Total Annual Burden Hours: 105,543.

Dated: June 25, 2025.

Jason M. Schoonmaker,

Tax Analyst.

[FR Doc. 2025–11915 Filed 6–26–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Departmental Offices Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of Information Collection; request for comment.

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 Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

1. Title: 31 CFR part 128, Reporting of International Capital and Foreign Currency Transactions and Positions.

OMB Control Number: 1505–0149.

Type of Request: Revision of a currently approved collection.

Description: 31 CFR part 128 establishes general guidelines for reporting on United States claims on and liabilities to foreigners; on transactions in securities with foreigners; and on the monetary reserves of the United States as provided for by the International Investment and Trade in Services Survey Act and the Bretton Woods Agreements Act. In addition, 31 CFR part 128 establishes general guidelines for reporting on the nature and source of foreign currency transactions of large U.S. business enterprises and their foreign affiliates. This regulation includes a recordkeeping requirement, § 128.5, which is necessary to enable the Office of International Affairs to verify reported information and to secure additional information concerning reported information as may be necessary. The recordkeepers are U.S. persons required to file reports covered by these regulations.

Form: None.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,808.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 18,216.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 6,072.

2. Title: Prohibition on Funding of Unlawful Internet Gambling.

OMB Control Number: 1505–0204.

Type of Request: Extension without change of a currently approved collection.

Description: The Unlawful Internet Gambling Enforcement Act requires the Treasury and the Federal Reserve Board (the ''Agencies'') to prescribe regulations requiring designated payment systems and all participants to identify and block unlawful internet gambling transactions through the establishment of reasonably designated policies and procedures. The Agencies have published a regulation that requires designated payment systems and all participants to establish and implement written policies and procedures.

Form: None.

Affected Public: Banks and thrifts, credit unions, money transmitting business operators and card system operators.

Estimated Number of Respondents: 6,038.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 6,038.

Estimated Time per Response: 100 hours for new institutions to establish written policies and procedures. 8 hours for existing institutions to maintain written policies once established.

Estimated Total Annual Burden Hours: 48,604.

3. Title: Determinations Regarding Certain Nonbank Financial Companies.

OMB Control Number: 1505–0244.

Type of Request: Extension without change of a currently approved collection.

Description: The information collected in § 1310.20 from state regulatory agencies will be used generally by FSOC to carry out its duties under Title I of the Dodd-Frank Act. The collections of information in §§ 1310.21 and 1310.22 provide an opportunity to request a hearing or submit written materials to the Council concerning whether, in the company's view, material financial distress at the company, or the nature, scope, size, scale, concentration, interconnectedness, or mix of the activities of the company, could pose a threat to the financial stability of the United States.

Form: None.

Affected Public: Nonbank financial companies.

Estimated Number of Respondents: 1.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 1.

Estimated Time per Response: 20 hours.

Estimated Total Annual Burden Hours: 20.

4. Title: Equal Employment Opportunity (EEO) Complaint Forms.

OMB Control Number: 1505–0262.

Type of Request: Revision of a currently approved collection.

Description: This information is being collected for the purpose of processing informal and formal complaints of employment discrimination against the Department on the bases of race, color, religion, sex (including pregnancy), national origin, age (over 40), disability, genetic information, parental status, or retaliation. Pursuant to 29 CFR 1614.105, the individual must participate in pre-complaint counseling to try to informally resolve his/her complaint prior to filing a complaint of discrimination. Information provided on the pre-complaint forms may be used by the counselee to assist in determining if they would like to file a formal complaint against the Department. The information captured on these forms will be reviewed by the staff of the Department's Office of Civil Rights and EEO to frame the claims for investigation and determine whether the claims are within the parameters established in 29 CFR part 1614. Minor changes were made to previously approved EEO Forms to reflect the removal of gender identity and sexual orientation as a basis for sex discrimination. The term/label of ''Aggrieved'' was also changed to ''Counselee'' or ''Aggrieved'' to ''employee or applicant''.

Forms: Report of Counseling 62–03.1, Designation of Representative and Limited Power of Attorney 62–03.2, Agreement to Extend Counseling with Mediation 62–03.4, Individual Formal Complaint Form 62–03.5, Agreement to Extend Counseling without Mediation 62–03.6, Notice of Rights and Responsibilities 62–03.7, Notice of Right

to File 62–03.8, Withdrawal 62–03.9, Class Complaint 62–03.10, ADR Election Form 62–03.11.

Affected Public: Individuals (Current Treasury Employees, Former Employees or Applicants).

Estimated Number of Respondents: 20.

Frequency of Response: Once, On Occasion.

Estimated Total Number of Annual Responses: 20.

Estimated Time per Response: Varies by form from 3 minutes to 1 hour.

Estimated Total Annual Burden Hours: 47.

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

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2025–11975 Filed 6–26–25; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0116]

Agency Information Collection Activity: Notice to Department of Veterans Affairs of Veteran or Beneficiary Incarcerated in Penal Institution

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before August 26, 2025.

ADDRESSES: Comments must be submitted through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Kendra McCleave, 202–461–9568, *kendra.mccleave@va.gov.*

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Notice to Department of Veterans Affairs of Veteran or Beneficiary Incarcerated in Penal Institution (VA Form 21–4193).

OMB Control Number: 2900–0116. *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–4193 is used to gather the necessary information to determine whether VA benefits should be reduced or terminated based on incarceration of the beneficiary. Without this collection of information, VA would be unable to accurately adjust the rates of incarcerated beneficiaries and overpayments would result.

No changes have been made to this form. The respondent burden has increased due to the estimated number of receivables averaged over the past year.

Affected Public: Individuals or Households.

Estimated Annual Burden: 2,488 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 9,953 per year.

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

Dorothy Glasgow,

Acting, VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2025–11957 Filed 6–26–25; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0009]

Agency Information Collection Activity: Application for Veteran Readiness and Employment Benefits for Claimants With Service-Connected Disabilities (Chapter 31, Title 38, U.S.C.)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before August 26, 2025.

ADDRESSES: Comments must be submitted through *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Kendra McCleave, 202–461–9760, *kendra.mccleave@va.gov.*

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: VA Form 28–1900, Application for Veteran Readiness and Employment Benefits for Claimants with Service-Connected Disabilities (Chapter 31, Title 38, U.S.C.).

OMB Control Number: 2900–0009. https://www.reginfo.gov/public/do/PRASearch (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 28–1900 is used by Veterans and Service members with service-connected disabilities to apply for benefits and services under the Chapter 31 program. Without the information, eligibility and entitlement to Chapter 31 could not be determined under 38 U.S.C. 501(a), 38 U.S.C. 3102, and 38 CFR 21.40.

Affected Public: Individuals and households.

Estimated Annual Burden: 33,350 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 133,399.

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

Dorothy Glasgow,

Acting, VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2025–11904 Filed 6–26–25; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0016]

Agency Information Collection Activity: Claim for Disability Insurance Benefits, Government Life Insurance

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before August 26, 2025.

ADDRESSES: Comments must be submitted through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Kendra McCleave, 202–461–9568, *kendra.mccleave@va.gov.*

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Claim for Disability Insurance Benefits, Government Life Insurance—VA Form 29–357.

OMB Control Number: 2900–0016. https://www.reginfo.gov/public/do/PRASearch (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

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

Abstract: This form is used by the policyholder to claim disability insurance benefits on S–DVI, NSLI and USGLI policies. The information requested is authorized by law, 38 U.S.C. 1912, 1915, 1922, 1942 and 1948.

Affected Public: Individuals and households.

Estimated Annual Burden: 14,175 hours.

Estimated Average Burden per Respondent: 1 Hour and 45 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 8,100.

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

Dorothy Glasgow,

Acting, VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2025–11852 Filed 6–26–25; 8:45 am]

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