



# FEDERAL REGISTER

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Federal Register

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

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

[NRC–2024–0216]

RIN 3150–AL25

#### List of Approved Spent Fuel Storage Casks: NAC International, Inc., MAGNASTOR® Storage System, Certificate of Compliance No. 1031, Amendment No. 15; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule; correction.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is correcting a direct final rule that was published in the *Federal Register* on March 20, 2025, revising the NAC International, Inc. MAGNASTOR® Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 15 to Certificate of Compliance No. 1031. This action is necessary to replace an incorrect phrase in the **SUMMARY** caption of the document.

**DATES:** Effective June 3, 2025.

**FOR FURTHER INFORMATION CONTACT:** Irene Wu, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–1951, email: [Irene.Wu@nrc.gov](mailto:Irene.Wu@nrc.gov) and Donald Habib, telephone: 301–415–1035, email: [Donald.Habib@nrc.gov](mailto:Donald.Habib@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**SUPPLEMENTARY INFORMATION:** The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at <https://www.regulations.gov> under Docket ID NRC–2024–0216. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2024–0216); (2) click the “Subscribe” link; and (3)

enter an email address and click on the “Subscribe” link.

#### Correction

In FR Doc. 2025–04651, appearing on page 13047 in the *Federal Register* of Thursday, March 20, 2025, in the first column, in the second sentence of the **SUMMARY** caption, correct the phrase “head load” to read “heat load”.

Dated: March 25, 2025.

For the Nuclear Regulatory Commission.

**Araceli Billoch Colon,**

*Branch Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2025–05457 Filed 3–28–25; 8:45 am]

**BILLING CODE 7590–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2024–2274; Airspace Docket No. 22–AAL–80]

RIN 2120–AA66

#### Amendment of Alaskan Very High Frequency Omnidirectional Range Federal Airway V–510 in Alaska

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Alaskan Very High Frequency Omnidirectional Range (VOR) Federal Airway V–510 in Alaska. This action is due to the decommissioning of the Anvik Nondirectional Radio Beacon (NDB) in Alaska.

**DATES:** Effective date 0901 UTC, June 12, 2025. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at [www.regulations.gov](https://www.regulations.gov) using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

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

**FOR FURTHER INFORMATION CONTACT:** Steven Roff, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the Air Traffic Service (ATS) route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

##### History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2024–2274 in the *Federal Register* (89 FR 79792; October 1, 2024), to amend Alaskan VOR Federal Airway V–510 in Alaska. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

##### Incorporation by Reference

Alaskan VOR Federal Airways are published in paragraph 6010 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 amends the current version of that order, FAA Order JO 7400.11J,

dated July 31, 2024, and effective September 15, 2024. FAA Order JO 7400.11J is publicly available as listed in the ADDRESSES section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11J lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### The Rule

This action amends 14 CFR part 71 to amend Alaskan VOR Federal Airway V-510 in Alaska. This proposed action is due to the decommissioning of the Anvik NDB in Alaska.

V-510: As amended, V-510 extends between the McGrath, AK, VORTAC and the Big Lake, AK, VORTAC.

### Regulatory Notices and Analyses

The FAA has determined that this 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

The FAA has determined that this action of amending Alaskan VOR Federal Airway V-510 due to the decommissioning of the Anvik NDB in Alaska qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph 5-6.5k, which categorically excludes from further environmental impact review the publication of existing air traffic

control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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 6010(b) Alaskan VOR Federal Airways.*

\* \* \* \* \*

#### V-510 [Amended]

From McGrath, AK, INT McGrath 121° and Big Lake, AK 294° radials; Big Lake, AK.

\* \* \* \* \*

Issued in Washington, DC, on March 24, 2025.

**Brian Eric Konie,**

*Manager (A), Rules and Regulations Group.*

[FR Doc. 2025-05338 Filed 3-28-25; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2024-2530; Airspace Docket No. 24-ASO-33]

RIN 2120-AA66

#### Amendment of Class E Airspace; Ahoskie, NC

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** The Federal Aviation Administration (FAA) is correcting a final rule that appeared in the **Federal Register** on March 5, 2025. The final rule amended Class E airspace extending upward from 700 feet above the surface for ECU Health Roanoke Chowan Heliport, Ahoskie, NC, to accommodate new area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures serving the heliport. This action corrects that rule by changing the effective date to June 12, 2025.

**DATES:** Effective 0901 UTC, April 17, 2025. As of March 31, 2025, the effective date of the rule published March 5, 2025, at 90 FR 11216 is corrected from 0901 UTC, April 17, 2025, to 0901 UTC, June 12, 2025.

**FOR FURTHER INFORMATION CONTACT:** Marc Ellerbee, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; Telephone (404) 305-5589.

**SUPPLEMENTARY INFORMATION:** In the final rule published March 5, 2025, (90 FR 11216) for Doc. No. FAA-2024-2530, the published effective date was incorrect. Accordingly, the effective date for the amended Class E airspace extending upward from 700 feet above the surface for ECU Health Roanoke Chowan Heliport, Ahoskie, NC, to accommodate new area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures serving the heliport is corrected to June 12, 2025.

#### Correction to the Final Rule

In the **Federal Register** of Wednesday, March 5, 2025, in FR Doc. 2025-03533, on page 11216, in the third column, correct the **DATES** caption to read as follows:

**Dates:** Effective 0901 UTC, June 12, 2025. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA

Order JO 7400.11 and publication of conforming amendments.

Issued in College Park, Georgia, on March 18, 2025.

**Patrick Young,**

*Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2025-04905 Filed 3-28-25; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2024-2568; Airspace Docket No. 24-AGL-10]

RIN 2120-AA66

#### **Amendment of Jet Routes J-60 and J-82, and VOR Federal Airways V-8, V-55, and V-221; and Revocation of VOR Federal Airways V-92 and V-126 in the Vicinity of Goshen, IN**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Jet Routes J-60 and J-82, and Very High Frequency Omnidirectional Range (VOR) Federal Airways V-8, V-55, and V-221; and revokes VOR Federal Airways V-92 and V-126. The FAA is taking these Air Traffic Service (ATS) route actions due to the planned decommissioning of the VOR portion of the Goshen, IN (GSH), VOR/Tactical Air Navigation (VORTAC) navigational aid (NAVAID). The Goshen VOR is being decommissioned in support of the FAA's VOR Minimum Operational Network program.

**DATES:** Effective date 0901 UTC, June 12, 2025. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at [www.regulations.gov](http://www.regulations.gov) using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

FAA Order JO 7400.11J, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). You may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation

Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

**FOR FURTHER INFORMATION CONTACT:** Colby Abbott, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

#### **Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the National Airspace System (NAS) as necessary to preserve the safe and efficient flow of air traffic.

#### **History**

The FAA published an NPRM for Docket No. FAA-2024-2568 in the **Federal Register** (89 FR 97569; December 9, 2024), proposing to amend Jet Routes J-60 and J-82, and VOR Federal Airways V-8, V-55, and V-221; and revoke VOR Federal Airways V-92 and V-126 due to the planned decommissioning of the VOR portion of the Goshen, IN, VORTAC NAVAID. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

#### **Incorporation by Reference**

Jet Routes are published in paragraph 2004 and VOR Federal Airways are published in paragraph 6010(a) 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 amends the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. FAA Order JO 7400.11J is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11J lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

#### **The Rule**

This action amends 14 CFR part 71 by amending Jet Routes J-60 and J-82, and VOR Federal Airways V-8, V-55, and V-221; and revoking VOR Federal Airways V-92 and V-126 due to the planned decommissioning of the VOR portion of the Goshen, IN, VORTAC NAVAID. The ATS route actions are described below.

*J-60:* Prior to this final rule, J-60 extended between the Los Angeles, CA, VORTAC and the Sparta, NJ, VORTAC. The route segment between the Joliet, IL, VOR/Distance Measuring Equipment (VOR/DME) and the Dryer, OH, VOR/DME is removed. As amended, the route is changed to now extend between the Los Angeles VORTAC and the Joliet VOR/DME, and between the Dryer VOR/DME and the Sparta VORTAC.

*J-82:* Prior to this final rule, J-82 extended between the Battle Ground, WA, VORTAC and the Sioux Falls, SD, VORTAC; and between the Dubuque, IA, VORTAC and the Goshen, IN, VORTAC. The route segment between the Joliet, IL, VOR/DME and the Goshen VORTAC is removed. As amended, the route is changed to now extend between the Battle Ground VORTAC and the Sioux Falls VORTAC, and between the Dubuque VORTAC and the Joliet VOR/DME.

*V-8:* Prior to this final rule, V-8 extended between the intersection of the Seal Beach, CA, VORTAC 266° and Ventura, CA, VOR/DME 144° radials (DOYLE Fix) and the Flag City, OH, VORTAC; and between the Martinsburg, WV, VORTAC and the Washington, DC, VOR/DME. The portion of the airway outside the United States has no upper limit. The airway segment between the Chicago Heights, IL, VORTAC and the Flag City VORTAC is removed. As amended, the airway is changed to now extend between the intersection of the Seal Beach VORTAC 266° and Ventura VOR/DME 144° radials (DOYLE Fix) and the Chicago Heights VORTAC, and between the Martinsburg VORTAC and the Washington VOR/DME.

*V-55:* Prior to this final rule, V-55 extended between the Dayton, OH, VOR/DME and the Pullman, MI, VOR/DME; and between the Grand Forks, ND, VOR/DME and the Bismarck, ND, VOR/DME. The airway segment between the Fort Wayne, IN, VORTAC and the Gipper, MI, VORTAC is removed. As amended, the airway is changed to now extend between the Dayton VOR/DME and the Fort Wayne VORTAC, between the Gipper VORTAC and the Pullman VOR/DME, and between the Grand Forks VOR/DME and the Bismarck VOR/DME.

V-92: Prior to this final rule, V-92 extended between the Chicago Heights, IL, VORTAC and the Goshen, IN, VORTAC. The airway is removed in its entirety.

V-126: Prior to this final rule, V-126 extended between the Goshen, IN, VORTAC and the intersection of the Goshen VORTAC 092° and Fort Wayne, IN, VORTAC 016° radials (ILTON Fix). The airway is removed in its entirety.

V-221: Prior to this final rule, V-221 extended between the Bible Grove, IL, VORTAC and the intersection of the Fort Wayne, IN, VORTAC 016° and Goshen, IN, VORTAC 092° radials (ILTON Fix). The airway segment between the Fort Wayne VORTAC and the intersection of the Fort Wayne VORTAC 016° and Goshen VORTAC 092° radials (ILTON Fix) is removed. As amended, the airway is changed to now extend between the Bible Grove VORTAC and the Fort Wayne VORTAC.

All NAVAID radials listed in the ATS route descriptions in the regulatory text of this final rule are unchanged and stated in degrees True north.

Regulatory Notices and Analyses

The FAA has determined that this 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action amending Jet Routes J-60 and J-82, and VOR Federal Airways V-8, V-55, and V-221; and revoking VOR Federal Airways V-92 and V-126, due to the planned decommissioning of the VOR portion of the Goshen, IN, VORTAC NAVAID, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and

Procedures, paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph 5-6.5i, which categorically excludes from further environmental impact review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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 2004 Jet Routes.

\* \* \* \* \*

J-60 [Amended]

From Los Angeles, CA; Paradise, CA; Hector, CA; Boulder City, NV; Bryce Canyon, UT; Hanksville, UT; Red Table, CO; Mile High, CO; Hayes Center, NE; Lincoln, NE; Iowa City, IA; to Joliet, IL. From Dryer, OH; Philipsburg, PA; INT Philipsburg 100° and Sparta, NJ, 253° radials; to Sparta.

\* \* \* \* \*

J-82 [Amended]

From Battle Ground, WA; Donnelly, ID; Dubois, ID; Crazy Woman, WY; Rapid City, SD; to Sioux Falls, SD. From Dubuque, IA; INT Dubuque 095° and Joliet, IL, 317° radials; to Joliet.

\* \* \* \* \*

Paragraph 6010(a) Domestic VOR Federal Airways.

\* \* \* \* \*

V-8 [Amended]

From INT Seal Beach, CA, 266° and Ventura, CA, 144° radials; Seal Beach; Paradise, CA; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline) Hector, CA; Goffs, CA; INT Goffs 033° and Morman Mesa, NV, 196° radials; Morman Mesa; Bryce Canyon, UT; Hanksville, UT; Grand Junction, CO; Rifle, CO; Kremmling, CO; Mile High, CO; Akron, CO; Hayes Center, NE; Grand Island, NE; Omaha, IA; Des Moines, IA; Iowa City, IA; Moline, IL; Joliet, IL; to Chicago Heights, IL. From Martinsburg, WV; to Washington, DC. The portion outside the United States has no upper limit.

\* \* \* \* \*

V-55 [Amended]

From Dayton, OH; to Fort Wayne, IN. From Gipper, MI; Keeler, MI; to Pullman, MI. From Grand Forks, ND; INT Grand Forks 239° and Bismarck, ND, 067° radials; to Bismarck.

\* \* \* \* \*

V-92 [Removed]

\* \* \* \* \*

V-126 [Removed]

\* \* \* \* \*

V-221 [Amended]

From Bible Grove, IL; Hoosier, IN; Shelbyville, IN; Muncie, IN; to Fort Wayne, IN.

\* \* \* \* \*

Issued in Washington, DC, on March 24, 2025.

Brian Eric Konie,

Manager (A), Rules and Regulations Group.

[FR Doc. 2025-05286 Filed 3-28-25; 8:45 am]

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2024-2226; Airspace  
Docket No. 24-ASW-1]

RIN 2120-AA66

**Amendment of RNAV Route Q-33 in  
the Vicinity of Winnfield, LA**

**AGENCY:** Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends United States Area Navigation (RNAV) Route Q-33. The FAA is taking this action due to the planned decommissioning of the Very High Frequency Omnidirectional Range (VOR) portion of the Sawmill, LA (SWB), VOR/Distance Measuring Equipment (VOR/DME) navigational aid (NAVAID). Additionally, this action amends Jet Route J-180 as proposed in Docket No. FAA-2023-2269 to include all Air Traffic Service (ATS) routes affected by the planned decommissioning of the VOR portion of the Sawmill VOR/DME NAVAID in one final rule.

**DATES:** Effective date 0901 UTC, June 12, 2025. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at [www.regulations.gov](http://www.regulations.gov) using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

FAA Order JO 7400.11], Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). You may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

**FOR FURTHER INFORMATION CONTACT:** Colby Abbott, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the National Airspace System as necessary to preserve the safe and efficient flow of air traffic.

**History**

The FAA published a NPRM for Docket No. FAA-2024-2226 in the **Federal Register** (89 FR 77053; September 20, 2024), proposing to amend United States RNAV Route Q-33 due to the planned decommissioning of the VOR portion of the Sawmill, LA, VOR/DME NAVAID. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Prior to publishing the NPRM for Docket No. FAA-2024-2226, the FAA published a NPRM for Docket No. FAA-2023-2269 in the **Federal Register** (88 FR 85133; December 7, 2023), proposing to amend Jet Route 180 due to the relocation of the Little Rock, AR, VORTAC and the scheduled decommissioning of the VOR portion of the Daisetta, TX, VORTAC and the Sawmill, LA, VOR/DME. Interested parties were invited to participate in that rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

**Differences From the NPRM**

To streamline the publication of final rules addressing the ATS routes affected by the planned decommissioning of the VOR portion of the Sawmill, LA, VOR/DME, the FAA decided to combine the amendment for Jet Route J-180 proposed in Docket No. FAA-2023-2269 with the amendments proposed in Docket No. FAA-2024-2226. This final rule does not address the amendments to Jet Routes J-6, J-14, J-66, J-101, and J-131; the amendments to VOR Federal Airways V-54, V-74, V-124, V-305, V-532, and V-573; or the revocation of VOR Federal Airway V-534 as proposed in Docket No. FAA-2023-2269. Those

proposed changes will be addressed in a separate final rule document.

**Incorporation by Reference**

Jet Routes are published in paragraph 2004 and United States Area Navigation Routes are published in paragraph 2006 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 amends the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. FAA Order JO 7400.11J is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11J lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Rule**

This action amends 14 CFR part 71 by amending Jet Route J-180 and RNAV Route Q-33 due to the planned decommissioning of the VOR portion of the Sawmill, LA, VOR/DME. The ATS route changes are described below.

*J-180:* Prior to this final rule, J-180 extended between the Humble, TX, VORTAC and the Foristell, MO, VORTAC. The route segment between the Humble VORTAC and the Little Rock, AR, VORTAC is removed. Instrument Flight Rules (IFR) traffic may continue to use parallel Jet Routes J-101 and J-29. Additionally, IFR pilots with RNAV-equipped aircraft may navigate via point-to-point using the Fixes that will remain in place or request air traffic control radar vectors through and around the affected area. As amended, the route is changed to extend between the Little Rock VORTAC and the Foristell VORTAC.

*Q-33:* Prior to this final rule, Q-33 extended between the Humble, TX, VORTAC and the PROWL, MO, waypoint (WP). The Sawmill, LA, VOR/DME route point is replaced with the SWEUP, LA, WP and the Daisetta, TX, VORTAC route point is replaced with the TAYUR, TX, WP. Both WPs are established in the immediate vicinity of the NAVAIDs they are replacing and result in extremely minor alignment changes of the route. As amended, the route will continue to extend between the Humble VORTAC and the PROWL WP.

**Regulatory Notices and Analyses**

The FAA has determined that this 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Environmental Review**

The FAA has determined that this action amending United States RNAV Route Q-33, due to the planned decommissioning of the VOR portion of the Sawmill, LA, VOR/DME NAVAID, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of

Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph 5-6.5i, which categorically excludes from further environmental impact review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2, regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Q-33 Humble, TX (IAH) to PROWL, MO [Amended]**

|                  |        |  |
|------------------|--------|--|
| Humble, TX (IAH) | VORTAC | (Lat. 29°57'24.90" N, long. 095°20'44.59" W) |
| TAYUR, TX        | WP     | (Lat. 30°11'23.40" N, long. 094°38'41.48" W) |
| SWEUP, LA        | WP     | (Lat. 31°58'23.07" N, long. 092°40'38.00" W) |
| LITTR, AR        | WP     | (Lat. 34°40'39.90" N, long. 092°10'49.26" W) |
| PROWL, MO        | WP     | (Lat. 37°02'00.00" N, long. 091°15'00.00" W) |

\* \* \* \* \*

Issued in Washington, DC, on March 24, 2025.

**Brian Eric Konie,**

*Manager (A), Rules and Regulations Group.*

[FR Doc. 2025-05285 Filed 3-28-25; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**19 CFR Part 351**

**[Docket No. 250325-0052]**

**RIN 0625-AB26**

**Modernizing the Annexes of the Antidumping and Countervailing Duty Trade Remedy Regulations; Correction**

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

**ACTION:** Correcting amendments.

**SUMMARY:** On December 19, 2024, the U.S. Department of Commerce (Commerce) revised the annexes of the trade remedy regulations to modernize the administration of the antidumping duty (AD) and countervailing duty (CVD) laws. This amendment corrects

**The Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 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 7400.11], Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

*Paragraph 2004 Jet Routes.*

\* \* \* \* \*

**J-180 [Amended]**

From Little Rock, AR; to Foristell, MO.

\* \* \* \* \*

*Paragraph 2006 United States Area Navigation Routes.*

\* \* \* \* \*

inadvertent errors in dates and regulatory language.

**DATES:** Effective March 31, 2025.

**FOR FURTHER INFORMATION CONTACT:** Scott D. McBride, Associate Deputy Chief Counsel, at (202) 482-6292 or Jesus Saenz, Senior Attorney, at (202) 482-1823.

**SUPPLEMENTARY INFORMATION:** On December 19, 2024, Commerce published a final rule, effective immediately, revising the annexes of the trade remedy regulations to reflect changes made to enhance the administration of the AD and CVD laws (89 FR 103633). Specifically, Commerce updated the number of days and the regulation cross-reference for each event listed in the existing annexes, created new annexes, and deleted an obsolete annex. The final rule, however, misidentified certain deadlines, placed some dates out of order, omitted a

regulation reference, and omitted some regulatory text in Annexes I, II, III, IV, and X. This amendment corrects these deadlines and references.

Commerce finds good cause pursuant to the authority at 5 U.S.C. 553(b)(B) and 553(d)(3) to forego prior notice, opportunity for public comment, and a 30-day delay in effective date because such procedures are unnecessary. This rulemaking corrects the annexes to reflect changes to the AD and CVD regulations that have already undergone notice and comment. As such, the contents of the revised annexes have already undergone notice and comment rulemaking, and repeating that process is unnecessary.

Because prior notice and opportunity for public comment and a 30-day delay

in the effective date are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are inapplicable.

This rule has been found to be not significant for purposes of Executive Order 12866.

**List of Subjects in 19 CFR Part 351**

Administrative practice and procedure, Antidumping, Business and industry, Confidential business information, Countervailing duties, Freedom of information, Investigations, Reporting and recordkeeping requirements.

Dated: March 25, 2025

**Christopher Abbott,**

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

Accordingly, 19 CFR part 351 is corrected by making the following correcting amendment:

**PART 351—ANTIDUMPING AND COUNTERVAILING DUTIES**

■ 1. The authority citation for 19 CFR part 351 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 1202 note; 19 U.S.C. 1303 note; 19 U.S.C. 1671 *et seq.*

■ 2. Amend part 351 by revising annex I through IV to read as follows:

**ANNEX I TO PART 351—DEADLINES FOR PARTIES IN COUNTERVAILING INVESTIGATIONS**

| Day <sup>1</sup>                                      | Event   | Regulation  |
|---|---|---|
| 0 days  | Initiation.   |   |
| 20 days   | Submission of factual information to measure adequacy of remuneration.  | 351.301(c)(3)(i)(B) or (C) (45 days before the scheduled date of preliminary determination, or the Secretary may issue an alternative schedule).  |
| 30 days   | Rebuttal, clarification, or correction of factual information to measure adequacy of remuneration.                    | 351.301(c)(3)(iv) (10 days after filing of factual information to measure adequacy of remuneration).  |
| 31 days <sup>2</sup>                                  | Notification of difficulty in responding to questionnaire.  | 351.301(c)(1)(iii) (14 days after date of receipt of questionnaire).  |
| 35 days   | Submission of factual information not directly responsive to or relating to that described in 351.102(b)(21)(i)–(iv). | 351.301(c)(5) (The earlier of 30 days before the scheduled date of preliminary determination or 14 days before verification).   |
| 40 days   | Request for postponement by petitioner  | 351.205(e) (25 days or more before the scheduled date of preliminary determination).  |
| 45 days   | Allegation of critical circumstances before preliminary determination.  | 351.206(c)(2)(i) (20 days before the scheduled date of preliminary determination).  |
| 0–47 days   | Application for an administrative protective order.   | 351.305(b)(3) (before submission of the first response to questionnaire; where justified, may be filed up to the date on which the case briefs are due).  |
| 47 days   | Questionnaire responses   | 351.301(c)(1)(i) (30 days from date of receipt of questionnaire).   |
| 65 days (May be postponed to 130 days).               | Preliminary determination   | 351.205(b)(1) and (2) (65 days after initiation of the investigation, but may be extended to 130 days after initiation of investigation).   |
| 72 days   | Submission of proposed suspension agreement.  | 351.208(f)(1)(i)(B) (7 days after preliminary determination).   |
| 75 days   | Submission of ministerial error comments after preliminary determination.   | 351.224(c)(2) (5 days after the earlier of the release of disclosure documents or a disclosure meeting).  |
| 77 days <sup>3</sup>                                  | Request to align a CVD investigation with a concurrent AD investigation.  | 351.210(i) (5 days after date of publication of preliminary determination).   |
| 102 days  | Request for a hearing   | 351.310(c) (30 days after date of publication of preliminary determination).  |
| 119 days  | Allegation of critical circumstances before final determination.  | 351.206(e) (21 days or more before scheduled date of final determination).  |
| 122 days  | Requests for closed hearing Sessions  | 351.310(f) (No later than the date the case briefs are due).  |
| 122 days  | Submission of briefs  | 351.309(c)(1)(i) (50 days after date of publication of preliminary determination).  |
| 125 days  | Allegation of upstream subsidies  | 351.301(c)(2)(iv)(C) (60 days after the preliminary determination).   |
| 127 days  | Submission of rebuttal briefs   | 351.309(d)(1) (5 days after deadline for filing case brief).  |
| 129 days  | Hearing   | 351.310(d)(1) (2 days after submission of rebuttal briefs).   |
| 147 days <sup>4</sup> (May be postponed to 237 days). | Final determination   | 351.210(b)(1) and (3) (75 days after preliminary determination, but may be postponed to 165 days after preliminary determination if Secretary investigates an upstream subsidy allegation and concludes additional time is needed). |
| 150 days  | Submission of ministerial error comments after final determination.   | 351.224(c)(2) (5 days after the earlier of the release of disclosure documents or a disclosure meeting).  |
| 155 days  | Submission of replies to ministerial error comments.  | 351.224(c)(3) (5 days after filing of ministerial error comments).  |

ANNEX I TO PART 351—DEADLINES FOR PARTIES IN COUNTERVAILING INVESTIGATIONS—Continued

| Day <sup>1</sup> | Event        | Regulation  |
|------------------|--------------|---|
| 199–289 days     | Order issued | 351.211(b) (Not later than 7 days after receipt of notice of an affirmative final injury determination by the U.S. International Trade Commission). |

<sup>1</sup> Indicates the number of days from the date of initiation. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

<sup>2</sup> Assumes that the Department sends out the questionnaire within 10 days of the initiation and allows 7 days for receipt of the questionnaire from the date on which it was transmitted.

<sup>3</sup> Assumes that the Preliminary Determination is published 7 days after issuance.

<sup>4</sup> Assumes that the Preliminary Determination is published 7 days after issuance.

ANNEX II TO PART 351—DEADLINES FOR PARTIES IN COUNTERVAILING ADMINISTRATIVE REVIEWS

| Day <sup>1</sup>                                     | Event   | Regulation   |
|--|---|--|
| 0 days   | Request for review  | 351.213(b)(1) (Last day of the anniversary month).   |
| 30 days  | Publication of initiation notice  | 351.221(c)(1)(i) (End of month following the anniversary month).   |
| 66 days <sup>2</sup>                                 | Notification of difficulty in responding to questionnaire.  | 351.301(c)(1)(iii) (14 days after date of receipt of questionnaire).   |
| 0–75 days  | Application for an administrative protective order.   | 351.305(b)(3) (before submission of first response; where justified, may be filed up to the date on which the case briefs are due).                                  |
| 90 days <sup>3</sup>                                 | Questionnaire responses   | 351.301(c)(1)(i) (At least 30 days after date of receipt of questionnaire).  |
| 104 days   | Submission of factual information to rebut, clarify, or correct questionnaire response.                               | 351.301(c)(1)(v) (14 days after questionnaire response).   |
| 110 days   | Countervailable subsidy allegation  | 351.301(c)(2)(iv)(B) (20 days after filing of all responses to questionnaire).   |
| 120 days   | Withdrawal of request for review  | 351.213(d)(1) (90 days after date of publication of initiation).   |
| 130 days   | Request for verification  | 351.307(b)(1)(v)(A) (100 days after date of publication of initiation).  |
| 185 days   | Submission of factual information to measure adequacy of remuneration.  | 351.301(c)(3)(ii)(A) or (B) (60 days before scheduled date of preliminary results, or the Secretary may issue an alternative schedule).                              |
| 195 days   | Rebuttal, clarification, or correction of factual information to measure adequacy of remuneration.                    | 351.301(c)(3)(iv) (10 days after filing of factual information to measure adequacy of remuneration).   |
| 215 days   | Submission of factual information not directly responsive to or relating to that described in 351.102(b)(21)(i)–(iv). | 351.301(c)(5) (The earlier of 30 days before the scheduled date of preliminary results or 14 days before verification).  |
| 245 days (May be extended to 365 days).              | Preliminary results of review   | 351.213(h)(1) and (2) (245 days after the last day of the anniversary month, but may be extended to 365 days after the last day of the anniversary).                 |
| 282 days <sup>4</sup>                                | Request for a hearing   | 351.310(c) (30 days after date of publication of preliminary results).   |
| 282 days   | Request for a closed hearing session  | 351.310(f) (date on which the case briefs are due).  |
| 282 days   | Submission of briefs  | 351.309(c)(1)(ii) (30 days after date of publication of preliminary results).  |
| 287 days   | Submission of rebuttal briefs   | 351.309(d)(1) (5 days after deadline for filing case briefs).  |
| 289 days   | Hearing   | 351.310(d)(1) (2 days after submission of rebuttal briefs).  |
| 372 days <sup>5</sup> (May be extended to 552 days). | Final results of review   | 351.213(h)(1) and (2) (120 days after date of publication of preliminary results, but may be extended to 180 days after date of publication of preliminary results). |
| 382 days   | Submission of ministerial error comments  | 351.224(c)(2) (5 days after the earlier of the release of disclosure documents or the disclosure meeting).   |
| 387 days   | Replies to ministerial error comments   | 351.224(c)(3) (5 days after filing of comments).   |

<sup>1</sup> Indicates the number of days from the end of the anniversary month. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

<sup>2</sup> Assumes that the Department sends out the questionnaire 45 days after the last day of the anniversary month and allows 7 days for receipt of the questionnaire from the date on which it was transmitted.

<sup>3</sup> Assumes that the Department sends out the questionnaire on day 45 and the response is due 45 days later.

<sup>4</sup> Assumes that the Preliminary Results are published 7 days after issuance.

<sup>5</sup> Assumes that the Preliminary Results are published 7 days after issuance.

ANNEX III TO PART 351—DEADLINES FOR PARTIES IN ANTIDUMPING INVESTIGATIONS

| Day <sup>1</sup> | Event   | Regulation   |
|------------------|---|--|
| 0 days           | Initiation  |  |
| 21 days          | Application/certification for separate rate (non-market economy). | 351.108(d)(1) (21 days after publication).   |
| 50 days          | Country-wide cost allegation                                      | 351.301(c)(2)(ii)(A) (20 days after date on which questionnaire was transmitted).  |
| 0–67 days        | Application for an administrative protective order.               | 351.305(b)(3) (before submission of the first response to the questionnaire; where justified, may be filed up to the date on which the case briefs are due). |

ANNEX III TO PART 351—DEADLINES FOR PARTIES IN ANTIDUMPING INVESTIGATIONS—Continued

| Day <sup>1</sup>                                      | Event  | Regulation   |
|---|--|--|
| 51 days <sup>2</sup>                                  | Notification of difficulty in responding to questionnaire.                                       | 351.301(c)(1)(iii) (Within 14 days after date of receipt of questionnaire).  |
| 67 days   | Questionnaire responses  | 351.301(c)(1)(i) (At least 30 days after date of receipt of questionnaire; where justified, may be filed up to the date on which the case briefs are due).                               |
| 77 days   | Viability arguments and certain multinational corporation allegations.                           | 351.301(c)(2)(i) (10 days after response to relevant section of the questionnaire was filed) and 351.404(g)(1).  |
| 80 days   | Submission of publicly available information to value factors (nonmarket economy).               | 351.301(c)(3)(i)(A) or (C) (60 days before scheduled date of preliminary determination, or the Secretary may issue an alternative schedule).   |
| 87 days   | Company-specific cost allegations  | 351.301(c)(2)(ii)(A) (within 20 days after response to relevant section of questionnaire was filed).   |
| 87 days   | Major input cost allegations   | 351.301(c)(2)(iii) (within 20 days after response to relevant section of questionnaire was filed).   |
| 110 days  | Submission of other factual information not responsive to or relating to 351.102(b)(21)(i)–(iv). | 351.301(c)(5) (The earlier of 30 days before scheduled date of preliminary determination or 14 days before verification).  |
| 115 days  | Request for postponement by petitioner   | 351.205(e) (25 days or more before scheduled date of preliminary determination).   |
| 120 days  | Allegation of critical circumstances before preliminary determination.                           | 351.206(c)(2)(i) (20 days before scheduled date of preliminary determination).   |
| 140 days (May be postponed to 190 days).              | Preliminary determination  | 351.205(b)(1) and (2) (140 days after the publication of initiation, but may be extended to 190 days after the publication of initiation).   |
| 150 days  | Submission of ministerial error comments   | 351.224(c)(2) (5 days after release of disclosure documents or holding of a disclosure meeting).   |
| 155 days  | Submission of proposed suspension agreement.   | 351.208(f)(1)(i)(A) (15 days after issuance of preliminary determination).   |
| 177 days <sup>3</sup>                                 | Request for a hearing  | 351.310(c) (30 days after date of publication of preliminary determination).   |
| 194 days  | Allegation of critical circumstance allegation before final determination.                       | 351.206(e) (21 days before scheduled date of final determination).   |
| 197 days (May be changed).                            | Request for closed hearing sessions  | 351.310(f) (No later than the date the case briefs are due).   |
| 197 days (May be changed).                            | Submission of briefs   | 351.309(c)(1)(i) (50 days after date of publication of preliminary determination).   |
| 202 days  | Submission of rebuttal briefs  | 351.309(d)(1) (5 days after deadline for filing case briefs).  |
| 204 days  | Hearing  | 351.310(d)(1) (2 days after submission of rebuttal briefs).  |
| 215 days  | Request for postponement of the final determination.   | 351.210(e) (Submitted within the scheduled date of the final determination).   |
| 222 days <sup>4</sup> (May be postponed to 282 days). | Final determination  | 351.210(b)(1) and (2) (75 days after the date of publication of preliminary determination, but may be postponed to 135 days after the date of publication of preliminary determination). |
| 232 days  | Submission ministerial error comments  | 351.224(c)(2) (5 days after release of disclosure documents or holding of a disclosure meeting).   |
| 237 days  | Replies to ministerial error comments  | 351.224(c)(3) (5 days after filing of comments).   |
| 274–334 days  | Order issued   | 351.211(b) (Not later than 7 days after receipt of notice of an affirmative final injury determination by the U.S. International Trade Commission).                                      |

<sup>1</sup> Indicates the number of days from the date of initiation. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

<sup>2</sup> Assumes that the Department sends out the questionnaire 5 days after the U.S. International Trade Commission vote and allows 7 days for receipt of the questionnaire from the date on which it was transmitted.

<sup>3</sup> Assumes that the Preliminary Determination is published 7 days after issuance.

<sup>4</sup> Assumes that the Preliminary Determination is published 7 days after issuance.

ANNEX IV TO PART 351—DEADLINES FOR PARTIES IN ANTIDUMPING ADMINISTRATIVE REVIEWS

| Day <sup>1</sup>     | Event  | Regulation   |
|----------------------|--|--|
| 0 days               | Request for review   | 351.213(b)(1) (During the anniversary month).  |
| 30 days              | Publication of initiation  | 351.221(c)(1)(i) (End of month following the anniversary month).   |
| 0–90 days            | Application for an administrative protective order.                    | 351.305(b)(3) (Before submission of first response to questionnaire; where justified, may be filed up to the date on which the case briefs are due). |
| 44 days              | Application/certification for separate rate (nonmarket economy).       | 351.108(d)(2) and (3) (14 days after publication of initiation).   |
| 60 days              | Request to examine absorption of duties                                | 351.213(j)(1) (30 days after date of publication of initiation).   |
| 66 days <sup>2</sup> | Notification of difficulty in responding to questionnaire.             | 351.301(c)(1)(iii) (14 days after date of receipt of questionnaire).   |
| 85 days              | Viability arguments and certain multinational corporation allegations. | 351.301(c)(2)(i) (10 days after relevant section is filed) and 351.404(g)(1).  |

ANNEX IV TO PART 351—DEADLINES FOR PARTIES IN ANTIDUMPING ADMINISTRATIVE REVIEWS—Continued

| Day <sup>1</sup>                                     | Event  | Regulation   |
|--|--|--|
| 90 days <sup>3</sup>                                 | Questionnaire responses  | 351.301(c)(1)(i) (At least 30 days after date of receipt of questionnaire).  |
| 110 days   | Company-specific cost allegations  | 351.301(c)(2)(ii)(B) (20 days after relevant section is filed).  |
| 110 days   | Major input cost allegations   | 351.301(c)(2)(iii) (20 days after relevant section is filed).  |
| 120 days   | Withdrawal of request for review   | 351.213(d)(1) (90 days after date of publication of initiation).   |
| 130 days   | Request for verification   | 351.307(b)(1)(v)(A) (100 days after date of publication of initiation).  |
| 185 days   | Submission of publicly available information to value factors (nonmarket economy).               | 351.301(c)(3)(ii)(A) and (B) (60 days before the scheduled date of preliminary results, or the Secretary may issue an alternative schedule).                                     |
| 215 days   | Submission of other factual information not responsive to or relating to 351.102(b)(21)(i)–(iv). | 351.301(c)(5) (The earlier of 30 days before the scheduled date of preliminary results or 14 days before verification).  |
| 245 days (May be extended to 365 days).              | Preliminary results of review  | 351.213(h)(1) and (2) (245 days after the last day of the anniversary month, but may be extended to 365 days after the last day of the anniversary month).                       |
| 282 days   | Request for a hearing  | 351.310(c) (30 days after date of publication of preliminary results).   |
| 282 days   | Request for closed hearing sessions  | 351.310(f) (No later than the date the case briefs are due).   |
| 282 days   | Submission of briefs   | 351.309(c)(1)(ii) (30 days after date of publication of preliminary results).  |
| 287 days   | Submission of rebuttal briefs  | 351.309(d)(1) (5 days after deadline for filing case briefs).  |
| 289 days   | Hearing  | 351.310(d)(1) (2 days after submission of rebuttal briefs).  |
| 372 days <sup>4</sup> (May be extended to 552 days). | Final results of review  | 351.213(h)(1) and (2) (120 days after the date of publication of preliminary results, but may be extended to 180 days after the date of publication of the preliminary results). |
| 382 days   | Ministerial error comments   | 351.224(c)(2) (5 days after release of disclosure documents).  |
| 387 days   | Replies to ministerial error comments  | 351.224(c)(3) (5 days after filing of comments).   |

<sup>1</sup> Indicates the number of days from the end of the anniversary month. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

<sup>2</sup> Assumes that the Department sends out the questionnaire 45 days after the last day of the anniversary month and allows 7 days for receipt of the questionnaire from the date on which it was transmitted.

<sup>3</sup> Assumes that the Department sends out the questionnaire on day 45 and the response is due 45 days later.

<sup>4</sup> Assumes that the Preliminary Results are published 7 days after issuance.

3. Amend part 351 by revising annex X to read as follows:

ANNEX X TO PART 351—DEADLINES FOR PARTIES IN CIRCUMVENTION INQUIRIES

| Day <sup>1</sup>      | Event  | Regulation  |
|-----------------------|--|---|
| 0 days                | Circumvention inquiry request or self-initiation   | 351.226(b).   |
| 10 days               | Comments and information on the adequacy of the request.                                 | 351.226(c)(3) (10 days after the circumvention inquiry request is filed).   |
| 15 days               | Rebuttal comments  | 351.226(c)(3) (5 days after new factual information in support of adequacy comments is filed).  |
| 30 days               | Initiation determination of circumvention inquiry based on a request.                    | 351.226(d)(1) (30 days after the circumvention inquiry request is filed unless Secretary finds it is impracticable or seeks clarification). |
| 30 days               | Comments and information addressing self-initiation                                      | 351.226(f)(1) (30 days after a circumvention inquiry is self-initiated).  |
| 30 days               | Scope ruling application rebuttal comments   | 351.226(f)(2) (30 days after a circumvention inquiry is initiated under paragraph (d)(1)).  |
| 44 days               | Applicant rebuttal comments (self-initiated inquiry)                                     | 351.226(f)(1) (14 days after scope ruling application rebuttal comments are filed).   |
| 44 days               | Applicant rebuttal comments (inquiry based on a request).                                | 351.226(f)(2) (14 days after scope ruling application rebuttal comments are filed).   |
| 157 days <sup>2</sup> | Preliminary determination of self-initiated circumvention inquiry.                       | 351.226(e)(1) (150 days after the notice of self-initiation is published) (May be extended by no more than 90 days).                        |
| 187 days <sup>3</sup> | Preliminary determination of circumvention inquiry based on a request.                   | 351.226(e)(1) (150 days after the notice of initiation is published) (May be extended by no more than 90 days).                             |
| 171 days              | Preliminary determination comments in self-initiated circumvention inquiry.              | 351.226(f)(4) (14 days after the issuance of the preliminary determination).  |
| 201 days              | Preliminary determination comments in circumvention inquiry based on a request.          | 351.226(f)(4) (14 days after the issuance of the preliminary determination).  |
| 178 days              | Preliminary determination rebuttal comments in self-initiated circumvention inquiry.     | 351.226(f)(4) (7 days after the issuance of the preliminary determination).   |
| 208 days              | Preliminary determination rebuttal comments in circumvention inquiry based on a request. | 351.226(f)(4) (7 days after the issuance of the preliminary determination).   |

ANNEX X TO PART 351—DEADLINES FOR PARTIES IN CIRCUMVENTION INQUIRIES—Continued

| Day <sup>1</sup>           | Event  | Regulation  |
|----------------------------|--|---|
| 300 days or 365 days ..... | Final determination of self-initiated circumvention inquiry.     | 351.226(e)(2) (300 days after the notice of initiation is published) (May be extended by no more than 65 days). |
| 330 days or 395 days ..... | Final determination of circumvention inquiry based on a request. | 351.226(e)(2) (300 days after the notice of initiation is published) (May be extended by no more than 65 days). |

<sup>1</sup> Indicates the number of days from Initiation. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

<sup>2</sup> Assumes that the Preliminary Results are published 7 days after issuance.

<sup>3</sup> Assumes that the Preliminary Results are published 7 days after issuance.

[FR Doc. 2025–05482 Filed 3–27–25; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**19 CFR Part 351**

[Docket No. 250221–0016]

RIN 0625–AB25

**Regulations Enhancing the Administration of the Antidumping and Countervailing Duty Trade Remedy Laws; Correction**

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

**ACTION:** Final rule; correction.

**SUMMARY:** On December 16, 2024, the U.S. Department of Commerce (Commerce) issued a final rule amending its antidumping and countervailing duty regulations. However, certain regulatory language in the Code of Federal Regulations (CFR) was inadvertently deleted, an incorrect punctuation mark was used, and a letter was left off a word. This correction restores the deleted language to the relevant regulation and corrects the typographical errors.

**DATES:** Effective March 31, 2025.

**FOR FURTHER INFORMATION CONTACT:** Scott D. McBride, Associate Deputy Chief Counsel for Trade Enforcement and Compliance, or Jesus Saenz, Senior Attorney, at (202) 482–6292 or (202) 482–1823, respectively.

**SUPPLEMENTARY INFORMATION:** On December 16, 2024, Commerce published a final rule amending its antidumping and countervailing duty regulations. (89 FR 101694). In the proposed rule, Commerce indicated that it was amending the initial paragraph of 19 CFR 351.301(c)(1) to remove an outdated reference to § 351.204(d)(2) and replace it with new § 351.109(h)(2) (89 FR at 57322). No party commented

on this change, and in the final rule Commerce adopted the same regulatory language as set forth in the proposed rule (89 FR at 101763). Due to an error in how the agency described the change in the rule’s directions for revising the CFR, however, rather than simply changing the language of the initial paragraph, paragraphs (i), (ii), (iii), (iv), and (v) of § 351.301(c)(1) were deleted from the CFR. Those paragraphs provide necessary information including deadlines for questionnaire responses, supplemental questionnaire responses, and other submissions, and were never intended by Commerce to be removed from the regulation. Accordingly, this amendment corrects § 351.301(c)(1) and adds back in paragraphs (i) through (v). In addition, in 351.109(c)(1) a comma was mistakenly used to separate two sentences instead of a period.

Furthermore, § 351.301(c)(3)(i)(A) contained the word “schedule,” when in fact the intended word for the sentence was “scheduled.” This amendment corrects both typographical errors.

Pursuant to 5 U.S.C. 553(b)(B) and (d)(3), Commerce finds good cause to conclude that notice and public comment and the 30-day delay in the effective date are unnecessary and contrary to the public interest. As described above, the public already had an opportunity to comment on the Secretary’s proposed edit to 351.301(c)(1), and no one commented on that change. Therefore, providing notice and opportunity for public comment on this correction is unnecessary. A 30-day delay in the effective date is unnecessary and contrary to the public interest because the agency is correcting a non-substantive error, the public was already provided prior notice and opportunity to comment, and the absence of paragraphs (i) through (v) from the provision is leading to unnecessary public confusion.

Because prior notice and opportunity for public comment and a 30-day delay in the effective date are not required for

this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are inapplicable.

**List of Subjects in 19 CFR Part 351**

Administrative practice and procedure, Antidumping, Business and industry, confidential business information, Countervailing duties, Investigations, Imports, Reporting and recordkeeping requirements.

Dated: March 25, 2025.

**Christopher Abbott,**

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

19 CFR part 351 is corrected by making the following correcting amendments:

**PART 351—ANTIDUMPING AND COUNTERVAILING DUTIES**

■ 1. The authority citation for 19 CFR part 351 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 1202 note; 19 U.S.C. 1303 note; 19 U.S.C. 1671 *et seq.*

■ 2. In § 351.109, revise paragraph (c)(1) to read as follows:

**§ 351.109 Selection of examined respondents; single-country subsidy rate; calculating an all-others rate; calculating rates for unexamined respondents; voluntary respondents.**

\* \* \* \* \*

(c) \* \* \*

(1) *In general.* If the Secretary determines in an investigation or administrative review that it is not practicable to determine individual dumping margins or countervailable subsidy rates because of the large number of exporters or producers involved in the investigation or review, the Secretary may determine individual margins or rates for a reasonable number of exporters or producers. In accordance with sections 777 A(c)(2) and 777 A(e)(2)(A) of the Act, the Secretary will normally limit the examination to either

a sample of exporters or producers that the Secretary determines is statistically valid based on record information or exporters and producers accounting for the largest volume of the subject merchandise from the exporting country that the Secretary determines can be reasonably examined.

■ 3. In § 351.301 revise paragraphs (c)(1) and (c)(3)(i)(A) to read as follows:

**§ 351.301 Time limits for submission of factual information.**

\* \* \* \* \*

(c) \* \* \*

(1) *Factual information submitted in response to questionnaires.* During a proceeding, the Secretary may issue to any person questionnaires, which includes both initial and supplemental questionnaires. The Secretary will not consider or retain in the official record of the proceeding unsolicited questionnaire responses, except as provided under § 351.109(h)(2), or untimely filed questionnaire responses. The Secretary will reject any untimely filed or unsolicited questionnaire response and provide, to the extent practicable, written notice stating the reasons for rejection (see § 351.302(d)).

(i) Initial questionnaire responses are due 30 days from the date of receipt of such

questionnaire. The time limit for response to individual sections of the questionnaire, if the Secretary requests a separate response to such sections, may be less than the 30 days allotted for response to the full questionnaire. In general, the date of receipt will be considered to be seven days from the date on which the initial questionnaire was transmitted.

(ii) Supplemental questionnaire responses are due on the date specified by the Secretary.

(iii) A notification by an interested party, under section 782(c)(1) of the Act, of difficulties in submitting information in response to a questionnaire issued by the Secretary is to be submitted in writing within 14 days after the date of the questionnaire or, if the questionnaire is due in 14 days or less, within the time specified by the Secretary.

(iv) A respondent interested party may request in writing that the Secretary conduct a questionnaire presentation. The Secretary may conduct a questionnaire presentation if the Secretary notifies the government of the affected country and that government does not object.

(v) Factual information submitted to rebut, clarify, or correct questionnaire responses. Within 14 days after an initial questionnaire response and

within 10 days after a supplemental questionnaire response has been filed with the Department, an interested party other than the original submitter is permitted one opportunity to submit factual information to rebut, clarify, or correct factual information contained in the questionnaire response. Within seven days of the filing of such rebuttal, clarification, or correction to a questionnaire response, the original submitter of the questionnaire response is permitted one opportunity to submit factual information to rebut, clarify, or correct factual information submitted in the interested party's rebuttal, clarification or correction. The Secretary will reject any untimely filed rebuttal, clarification, or correction submission and provide, to the extent practicable, written notice stating the reasons for rejection (see § 351.302). If insufficient time remains before the due date for the final determination or final results of review, the Secretary may specify shorter deadlines under this section

\* \* \* \* \*

(3) \* \* \*

(i) Antidumping and countervailing duty investigations.

(A) All submissions of factual information to value factors of production under § 351.408(c) in an antidumping investigation are due no later than 60 days before the scheduled date of the preliminary determination.

\* \* \* \* \*

[FR Doc. 2025-05481 Filed 3-27-25; 8:45 am]

**BILLING CODE 3510-DS-P**

## LIBRARY OF CONGRESS

### U.S. Copyright Office

#### 37 CFR Part 201

[Docket No. 2024-7]

#### Electronic Payment of Royalties Using Pay.gov

**AGENCY:** U.S. Copyright Office, Library of Congress.

**ACTION:** Final rule.

**SUMMARY:** The Copyright Office is issuing a final rule to amend its regulations regarding the submission of royalty fees to the Copyright Office to require that all such fees be paid using Pay.gov.

**DATES:** Effective April 30, 2025.

**FOR FURTHER INFORMATION CONTACT:** Rhea Efthimiadis, Assistant to the General Counsel, by email at [mefth@copyright.gov](mailto:mefth@copyright.gov), or by telephone at 202-707-8350.

**SUPPLEMENTARY INFORMATION:** The section 111 of the Copyright Act (“Act”), title 17 of the United States Code, provides cable operators with a statutory license to retransmit a performance or display of a work embodied in a “primary transmission” made by a television station licensed by the Federal Communications Commission (“FCC”). Cable operators that retransmit broadcast signals in accordance with this provision are required to pay royalty fees to the Copyright Office (“Office”), among other requirements. Similarly, section 119 of the Act provides satellite carriers with a statutory license to retransmit certain primary transmissions if they satisfy certain criteria, for which they also must pay royalty fees to the Office. In addition, sections 1003 and 1004 of the Act require manufacturers and importers of digital audio recording devices and digital audio recording media (“DART”) to pay royalty fees to the Office.

On December 12, 2024, the Office published a notice of proposed rulemaking (“NPRM”) setting forth proposed amendments to the regulations governing the submission of royalty fees by cable operators, satellite carriers, and DART operators to require that these fees be paid using the U.S. Treasury Department’s Pay.gov system.<sup>1</sup> As noted in the NPRM, mandating Pay.gov benefits both filers and the Office because it streamlines the process to receive, reconcile, and post payments; provides remitters with the convenience of using a variety of methods, including credit or debit cards, as a form of payment; and eliminates redundancy.<sup>2</sup>

The Office did not receive any relevant comments from the public in response to this rulemaking. As a result, the Office is adopting the proposed amendments as final without change. To guide remitters unfamiliar with Pay.gov, the Office has created Pay.gov tutorials, which are posted on the Licensing Section’s website.<sup>3</sup>

#### List of Subjects in 37 CFR Part 201

Copyright, General provisions.

<sup>1</sup> 89 FR 100439.

<sup>2</sup> *Id.* at 100439-40.

<sup>3</sup> United States Copyright Office, Circular 74, June 2022: *How to Make Statutory License Royalty EFT Payments Using Pay.gov*, <https://copyright.gov/circs/circ74.pdf>; United States Copyright Office, *Make Statutory License Royalty Payments Using Pay.gov*, <https://copyright.gov/licensing/eftpayment>.

**Final Regulations**

For the reasons set forth in the preamble, the Copyright Office amends 37 CFR part 201 as follows:

**PART 201—GENERAL PROVISIONS**

■ 1. The authority citation for part 201 continues to read as follows:

**Authority:** 17 U.S.C. 702.

■ 2. Amend § 201.11 by revising paragraphs (f)(1) and (h)(3)(iv) to read as follows:

**§ 201.11 Satellite carrier statements of account covering statutory licenses for secondary transmissions.**

\* \* \* \* \*

(f) \* \* \*

(1) All royalty fees shall be paid by electronic funds transfer using *Pay.gov*, and payment must be received in the designated bank by the filing deadline for the relevant accounting period. Satellite carriers must provide specific information as part of the EFT and as part of the remittance advice, as listed in the instructions for *Pay.gov*, the Statement of Account form, and the Office's website.

\* \* \* \* \*

(h) \* \* \*

(3) \* \* \*

(iv)(A) All requests filed under this paragraph (h) must be accompanied by a filing fee in the amount prescribed in § 201.3(e) for each Statement of Account involved. Payment of this fee must be by EFT using *Pay.gov*. No request will be processed until the appropriate filing fees are received.

(B) All requests that a supplemental royalty fee payment be received for deposit under this paragraph (h) must be accompanied by a remittance in the full amount of such fee. Payment of the supplemental royalty fee must be by EFT using *Pay.gov*. No such request will be processed until an acceptable remittance in the full amount of the supplemental royalty fee has been received.

\* \* \* \* \*

■ 3. Amend § 201.17 by revising paragraphs (k)(1) and (l)(4)(iv) to read as follows:

**§ 201.17 Statements of Account covering compulsory licenses for secondary transmissions by cable systems.**

\* \* \* \* \*

(k) \* \* \*

(1) All royalty fees must be paid by electronic funds transfer (EFT) using *Pay.gov*, and must be received in the designated bank by the filing deadline for the relevant accounting period. Cable systems must provide specific

information as part of the EFT and as part of the remittance advice, as listed in the instructions for *Pay.gov*, the Statement of Account form and on the Office's website.

\* \* \* \* \*

(l) \* \* \*

(4) \* \* \*

(iv)(A) All requests filed under this paragraph (l) must be accompanied by a filing fee in the amount prescribed in § 201.3(e) for each Statement of Account involved. Payment of this fee must be made by an electronic payment using *Pay.gov*. No request will be processed until the appropriate filing fees are received; and

(B) All requests that a supplemental royalty fee payment be received for deposit under this paragraph (l) must be accompanied by a remittance in the full amount of such fee. Payment of the supplemental royalty fee must be by an electronic payment using *Pay.gov*. No such request will be processed until an acceptable remittance in the full amount of the supplemental royalty fee has been received.

\* \* \* \* \*

■ 4. Amend § 201.28 by revising paragraphs (h)(1) and (j)(3)(v) to read as follows:

**§ 201.28 Statements of Account for digital audio recording devices or media.**

\* \* \* \* \*

(h) \* \* \*

(1) All royalty fees must be paid by electronic funds transfer (EFT) using *Pay.gov*, and must be received in the designated bank by the filing deadline for the relevant accounting period. Remitters must provide specific information as part of the EFT and as part of the remittance advice, as listed in the instructions for *Pay.gov*, the Statement of Account form, and the Office's website.

\* \* \* \* \*

(j) \* \* \*

(3) \* \* \*

(v)(A) The request must be accompanied by a filing fee in the amount prescribed in § 201.3(e) for each Statement of Account involved. Payment of this fee must be by EFT using *Pay.gov*. No request will be processed until the appropriate filing fees are received.

(B) Requests that a supplemental royalty fee payment be deposited must be accompanied by a remittance in the full amount of such fee. Payment of the supplemental royalty fee must be by electronic payment using *Pay.gov*. No such request will be processed until an acceptable remittance in the full amount

of the supplemental royalty fee has been received.

\* \* \* \* \*

**Shira Perlmutter,**

*Register of Copyrights and Director of the U.S. Copyright Office.*

Approved by:

**Carla D. Hayden,**

*Librarian of Congress.*

[FR Doc. 2025-05444 Filed 3-28-25; 8:45 am]

**BILLING CODE 1410-30-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[EPA-HQ-OAR-2002-0083; FRL-5919.3-02-OAR]

RIN 2060-AW52

**Partial Administrative Stay of National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; partial stay.

**SUMMARY:** By a letter dated August 14, 2024, and supplemented by a letter dated March 5, 2025, the EPA's Office of Air and Radiation announced the convening of a proceeding for reconsideration of certain requirements in the final rule, "National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review," published on April 3, 2024. In this action, the EPA is staying provisions establishing compliance deadlines in 2025 for requirements that were added or revised by the April 3, 2024, final rule for 90 days pending reconsideration.

**DATES:** Effective March 31, 2025.

**ADDRESSES:** Electronic copies of this document are available on the EPA's website at <https://www.epa.gov/stationary-sources-air-pollution/integrated-iron-and-steel-manufacturing-national-emission>. Copies of this document are also available at <https://www.regulations.gov>, at Docket ID No. EPA-HQ-OAR-2002-0083.

**FOR FURTHER INFORMATION CONTACT:** For questions about this action, contact U.S. EPA, Attn: Katie Boaggio, Mail Drop: D243-02, 109 T.W. Alexander Drive, P.O. Box 12055, RTP, NC 27711; telephone number: (919) 541-2223; and email address: [boaggio.katie@epa.gov](mailto:boaggio.katie@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Background**

On April 3, 2024, the EPA completed a technology review under Clean Air Act (CAA) section 112(d)(6) of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Integrated Iron and Steel Manufacturing Facilities that revised standards that were issued in 2003 and reviewed in 2020. Additionally, EPA set standards under CAA sections 112(d)(2) and 112(d)(3) for previously unregulated hazardous air pollutant emissions. The NESHAP amendments are codified at 40 CFR part 63, subpart FFFFF. For further information on the 2024 rule, see 89 FR 23294 (April 3, 2024).

On June 3 and 4, 2024, several interested parties submitted administrative petitions to the EPA seeking reconsideration of various aspects of the 2024 rule pursuant to section 307(d)(7)(B) of the CAA (42 U.S.C. 7607(d)(7)(B)). Copies of these petitions are included in the docket, Docket ID No. EPA-HQ-OAR-2002-0083.

On August 14, 2024, the EPA issued a letter stating our intention to exercise our discretion to reconsider three issues raised in the petitions, address some items of correction, and continue reviewing the petitions for reconsideration. Later, on March 5, 2025, the EPA issued a second letter modifying the scope of the already convened discretionary reconsideration proceeding by identifying some items from the petitions for reconsideration as appropriate for mandatory reconsideration based on the criteria in CAA section 307(d)(7)(B). Copies of both EPA response letters are included in the docket, Docket ID No. EPA-HQ-OAR-2002-0083. Under CAA section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), the Administrator shall convene a proceeding for reconsideration of a rule when the person raising an objection to a rule can demonstrate: (1) that it was either impractical to raise the objection during the period for public comment or that the grounds for the objection arose after the period for public comment; and (2) that the objection is of central relevance to the outcome of the rule.

The March 5, 2025 letter announced that, in addition to the discretionary reconsideration issues identified in the August 14, 2024 letter, the following topics from two petitions will be reconsidered pursuant to CAA section 307(d)(7)(B): (1) work practice standards for unmeasured fugitive and intermittent particulate from unplanned bleeder valve openings; (2) the opacity limit for planned bleeder valve

openings; (3) work practice standards for bell leaks; and (4) the opacity limit for slag processing and handling.

In particular, the petitioners identified two errors in the final rule regulatory text related to the work practice standards for unplanned bleeder valve openings (issue 1) and identified ambiguity in the regulatory text for the work practice standards for bell leaks (issue 3). In the August 14, 2024 letter, the EPA initially identified these as items that could be corrected in a short-term corrections document; however, after further evaluation of the issues, the EPA concluded that making the changes necessary to address these items would require public notice and comment because the regulatory text containing the errors and ambiguity was introduced between the proposed rule and final rule and thus was not subject to public notice and comment as required by the CAA. Accordingly, in the March 5, 2025 letter, we found that the petitioners had demonstrated that it was impractical to raise their objections to these provisions during the period for public comment.

We also found that their objections to the errors and ambiguity in the regulatory text for work practice standards for unplanned bleeder valve openings and bell leaks are of central relevance to the outcome of the rule. For bell leaks, we finalized language that was not proposed and directly impacts the ability for industry to comply with the standard. For unplanned bleeder valve openings, we inadvertently defined bleeder valve openings incorrectly that also directly impacts the ability for industry to comply with the standard as written.

Additionally, industry petitioners provided new monitoring data to the EPA in their petitions for reconsideration. This monitoring, which was performed after the close of the comment period, demonstrates that it may be infeasible for some sources to comply with the final rule's opacity limits for planned bleeder valve openings (issue 2) and slag processing and handling (issue 4). This monitoring was performed to substantiate comments about operational variabilities industry had submitted during the public comment period that EPA did not have time to fully evaluate before promulgating the final rule. For this reason, industry was not aware of the need for these data until after the rule was published. Therefore, in support of their petitions for reconsideration, industry provided a more robust dataset than the information submitted pursuant to EPA's 2022 CAA section 114

information collection request during the development of the proposed rule; the new data were not collected as part of the CAA section 114 request and were not available to the EPA until after the rule was finalized. While the EPA concluded there are work practices available to minimize opacity, these new data provide evidence that there is more variability in each source's operations and opacity than we initially accounted for.

Accordingly, in the March 5, 2025 letter, we found that the petitioners had demonstrated that it was impractical to raise these challenges to the feasibility of the proposed opacity standards during the public comment period. If we had received the additional data provided in the petitions during the public comment period, we may have structured the opacity limits in such a way as to account for additional variability. Based on this additional information provided by the petitioners after promulgation of the final rule and after further discussions and analyses, the EPA now understands that, in some cases, the equipment and work practices required by the final rule will not be sufficient or, in some cases, feasible to meet the standards as currently written, making petitioners' objections of central relevance to the outcome of the final rule.

As part of the reconsideration proceeding looking at the issues identified in both the August 2024 and March 2025 EPA response letters, the EPA will prepare a notice of proposed rulemaking that will provide petitioners and the public an opportunity to comment on the issues identified for both discretionary and mandatory reconsideration.

**II. Stay of Certain Provisions**

By this action, the EPA is staying the effectiveness of certain aspects of the subpart revised by the final rule entitled, "National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review," 89 FR 23294, for 90 days pursuant to its authority under section 307(d)(7)(B) of the CAA. Specifically, the EPA is staying the effectiveness of all provisions with April 3, 2025 compliance dates while the EPA addresses the reconsideration issues in a separate action. Therefore, pursuant to section 307(d)(7)(B) of the CAA, the EPA is staying the effectiveness of these compliance requirements for 90 days. This stay will remain in place until July 1, 2025, at which time those provisions will become effective.

**List of Subjects in 40 CFR Part 63**

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

**Lee Zeldin,**  
*Administrator.*

For the reasons stated in the preamble, the EPA amends title 40, chapter I, part 63 of the Code of Federal Regulations as follows:

**PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES**

■ 1. The authority citation for part 63 continues to read as follows:

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

**Subpart FFFFF—National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities**

■ 2. Amend § 63.7790 by revising paragraph (a) to read as follows:

**§ 63.7790 What emission limitations must I meet?**

(a) You must meet each emission limit and opacity limit in table 1 to this subpart that applies to you except that the requirements in table 1 to this subpart for planned bleeder valve openings at new and existing blast furnaces are stayed from April 2, 2025, to July 1, 2025.

\* \* \* \* \*

**§ 63.7793 [Amended]**

■ 3. Amend § 63.7793 by staying paragraphs (c), (d), and (f) from April 2, 2025, to July 1, 2025.

**§ 63.7800 [Amended]**

■ 4. Amend § 63.7800 by staying paragraphs (b)(8) and (9) from April 2, 2025, to July 1, 2025.

**§ 63.7821 [Amended]**

■ 5. Amend § 63.7821 by staying paragraphs (i), (k), and (l) from April 2, 2025, to July 1, 2025.

**§ 63.7823 [Amended]**

■ 6. Amend § 63.7823 by staying paragraphs (c)(3), (d)(6), (f), and (h) from April 2, 2025, to July 1, 2025.

**§ 63.7833 [Amended]**

■ 7. Amend § 63.7833 by staying paragraph (j) from April 2, 2025, to July 1, 2025.

■ 8. Amend § 63.7842 by revising paragraph (d) to read as follows:

**§ 63.7842 What records must I keep?**

\* \* \* \* \*

(d) You must keep the records required in §§ 63.7823, 63.7833, and 63.7834 to show continuous compliance with each emission limitation and operation and maintenance requirement that applies to you. This includes a record of each large and small bell repair and replacement, a record of the date on which the large bell opacity has exceeded 20 percent, and the most current time period or throughput over which no opacity was observed from the small bell. The requirements of this paragraph for records for large and small bells are stayed from April 2, 2025 to July 1, 2025.

\* \* \* \* \*

**Table 1 to Subpart FFFFF of Part 63 [Amended]**

■ 9. Amend table 1 to subpart FFFFF of part 63 by staying item 16 from April 2, 2025, to July 1, 2025.

**Table 2 to Subpart FFFFF of Part 63 [Amended]**

■ 10. Amend table 2 to subpart FFFFF of part 63 by staying item 16 from April 2, 2025, to July 1, 2025.

**Table 3 to Subpart FFFFF of Part 63 [Amended]**

■ 11. Amend table 3 to subpart FFFFF of part 63 by staying item 16 from April 2, 2025, to July 1, 2025.

[FR Doc. 2025–05339 Filed 3–28–25; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

[Docket No. 231101–0256; RTID 0648–XE647 and Docket No. 230914–0219; RTID 0648–XE741]

**2025 Recreational Season Announcement and Closure for Golden Tilefish in the South Atlantic; 2025 Recreational Accountability Measure and Closure for Gag in the South Atlantic; Correction**

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

**ACTION:** Temporary rule; correction.

**SUMMARY:** This document contains corrections to two temporary rules published in the **Federal Register** on March 20, 2025, with an effective date span of March 21 through December 31, 2025, and March 24, 2025, with an effective date span of June 26 through December 31, 2025. Both of these temporary rules announced the season closure dates for the recreational harvest of golden tilefish and gag, respectively, in the U.S. exclusive economic zone (EEZ) of the South Atlantic. This document corrects the subject headings of those temporary rules.

**DATES:** This correction is effective on March 31, 2025.

**FOR FURTHER INFORMATION CONTACT:** Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: [mary.vara@noaa.gov](mailto:mary.vara@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS is correcting the subject headings of the temporary rules that published in the **Federal Register** on March 20, 2025 (90 FR 13099), and March 24, 2025 (90 FR 13425).

**Corrections**

In **Federal Register** documents 2025–04788, that published on March 20, 2025, at 90 FR 13099, and 2025–04903, that published March 24, 2025, at 90 FR 13425, the following corrections are made:

1. In the **Federal Register** issue of March 20, 2025, on page 13099, at the top of the second column, correct the subject heading of the temporary final rule to read as: “2025 Recreational Season Announcement and Closure for Golden Tilefish in the South Atlantic”.

2. In the **Federal Register** issue of March 24, 2025, on page 13425, in the middle of the second column, correct the subject heading of the temporary final rule to read as: “2025 Recreational Accountability Measure and Closure for Gag in the South Atlantic”.

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

Dated: March 26, 2025.

**Karen H. Abrams,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 2025–05501 Filed 3–27–25; 4:15 pm]

**BILLING CODE 3510–22–P**

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 250325-0049]

RIN 0648-BD32

Comprehensive Fishery Management Plans for Puerto Rico, St. Croix, and St. Thomas and St. John; Correction

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

ACTION: Final rule; correcting amendment.

SUMMARY: NMFS corrects the final rule that implemented management measures described in the Puerto Rico, St. Croix, and St. Thomas and St. John Fishery Management Plans (collectively, island-based FMPs), which published in the Federal Register on September 13, 2022. Among other measures, the final rule revised species tables in Appendix A to part 622 and inadvertently removed banded rudderfish from the South Atlantic snapper-grouper species table. The purpose of this correcting amendment is to fix this inadvertent error.

DATES: This correction is effective March 31, 2025.

FOR FURTHER INFORMATION CONTACT: Sarah Stephenson, Southeast Regional Office, NMFS, 727-824-5305, sarah.stephenson@noaa.gov.

SUPPLEMENTARY INFORMATION: On September 22, 2020, the Secretary of Commerce approved the island-based FMPs under section 304(a)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). On September 13, 2022, NMFS published a final rule in the Federal Register (87 FR 56204) to implement management measures in the island-based FMPs, pursuant to section 304(b)(3) of the Magnuson-Stevens Act, which became effective on October 13, 2022. Pursuant to section 305(d) of the Magnuson-Stevens Act, NMFS is issuing a correcting amendment to the final rule.

Correction

The regulatory text of the final rule implementing the island-based FMPs inadvertently removed banded rudderfish from Table 2 to Appendix A (South Atlantic Snapper-Grouper) under the table sub-heading for Carangidae—

Jacks. Through this correcting amendment, NMFS corrects Table 2 to Appendix A of 50 CFR part 622 by re-inserting banded rudderfish to the list of species under the entry for Carangidae—Jacks. The island-based FMPs and the implementing final rule did not revise regulations for species managed by the South Atlantic Fishery Management Council. Banded rudderfish was included in Table 2 to Appendix A in the proposed rule published in the Federal Register on May 19, 2022 (87 FR 30730). Banded rudderfish remains a species managed under the snapper-grouper fishery management unit (FMU) in the South Atlantic and its inclusion is consistent with the Snapper-Grouper FMP.

Classification

NMFS is issuing this rule pursuant to section 305(d) of the Magnuson-Stevens Act. Pursuant to section 305(d), this action is necessary to be consistent with management of the South Atlantic snapper-grouper fishery management unit under the FMP for the Snapper-Grouper Fishery of the South Atlantic Region. The NMFS Assistant Administrator (AA) has determined that this final rule is consistent with the island-based FMPs, the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), the AA finds good cause to waive prior notice and opportunity for additional public comment because it would be unnecessary and contrary to the public interest. This correcting amendment restores a species currently managed in the snapper-grouper FMU that was inadvertently removed from Table 2 to Appendix A. Providing prior notice and opportunity for public comment is unnecessary and contrary to the public interest because the Caribbean island-based FMPs did not consider or analyze removal of banded rudderfish from Table 2, and because the regulations that correctly included banded rudderfish as part of Table 2 to Appendix A have already been subject to notice and public comment. Providing an additional opportunity for public comment would add unnecessary delay to the correct version of Table 2 with banded rudderfish in the list of species in the snapper-grouper FMU. Further, retaining the incorrect version of Table 2 will continue to cause confusion about the species managed under the snapper-grouper FMU, which

are applicable to management measures contained in the Snapper-Grouper FMP.

For the same reasons, the AA also finds good cause, pursuant to 5 U.S.C. 553(d)(3), to waive the 30-day delay in effective date for this correcting amendment.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, this rule is exempt from the procedures of the Regulatory Flexibility Act. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

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

List of Subjects in 50 CFR Part 622

Caribbean, Commercial, Fisheries, Fishing, Recreational.

Dated: March 25, 2025.

Samuel D. Rauch III,

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

Accordingly, 50 CFR part 622 is corrected by making the following correcting amendment:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In Appendix A to Part 622, amend table 2, under the sub-heading Carangidae—Jacks, by adding an entry at the end of the list for “Banded rudderfish, Seriola zonata” to read as follows:

\* \* \* \* \*

TABLE 2 TO APPENDIX A TO PART 622—SOUTH ATLANTIC SNAPPER-GROUPER

|  |   |   |   |   |   |
|--|---|---|---|---|---|
|  | * | * | * | * | * |
| Carangidae—Jacks                         |   |   |   |   |   |
|  | * | * | * | * | * |
| Banded rudderfish, <i>Seriola zonata</i> |   |   |   |   |   |
|  | * | * | * | * | * |

\* \* \* \* \*

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 250312–0036]

RTID 0648–XE802

**Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands**

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

**ACTION:** Temporary rule; reallocation.

**SUMMARY:** NMFS is reallocating the projected unused amounts of the Aleut Corporation and the Community Development Quota (CDQ) pollock directed fishing allowances (DFA) from the Aleutian Islands subarea to the Bering Sea subarea. This action is necessary to provide the opportunity for the harvest of the 2025 total allowable catch (TAC) of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI).

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), March 28, 2025, through 2400 hours, A.l.t., December 31, 2025.

**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 Bering Sea and Aleutian Islands Management Area (FMP) prepared and recommended by the North Pacific Fishery Management Council (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.

In the Aleutian Islands subarea, the portion of the 2025 pollock TAC allocated to the Aleut Corporation and CDQ DFA is 14,100 metric tons (mt) and 1,900 mt, respectively, as established by the final 2025 and 2026 harvest specifications for groundfish in the BSAI (90 FR 12640, March 18, 2025).

As of March 18, 2025, the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that 12,100 mt of the Aleut Corporation’s DFA and 1,900 mt of

pollock CDQ DFA in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS reallocates 12,100 mt of the Aleut Corporation’s DFA and 1,900 mt of pollock CDQ DFA from the Aleutian Islands subarea to the Bering Sea subarea allocations. The 1,900 mt of pollock CDQ DFA is added to the 2025 Bering Sea CDQ DFA. The 12,100 mt of pollock Aleut Corporation’s DFA is apportioned to the American Fisheries Act (AFA) inshore sector (50 percent), AFA catcher/processor (CP) sector (40 percent), and the AFA mothership sector (10 percent). The 2025 Bering Sea subarea pollock incidental catch allowance remains at 46,000 mt. As a result, the 2025 harvest specifications for pollock in the Aleutian Islands subarea included in the final 2025 and 2026 harvest specifications for groundfish in the BSAI (90 FR 12640, March 18, 2025) is revised as follows: 0 mt to CDQ DFA and 2,000 mt to the Aleut Corporation’s DFA. Furthermore, pursuant to § 679.20(a)(5), table 4 is revised to make 2025 pollock allocations consistent with this reallocation. This reallocation results in an adjustment to the 2025 CDQ pollock allocations that are specified consistent with and as required by § 679.20(a)(5).

**TABLE 4—FINAL 2025 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) <sup>1</sup>**  
[Amounts are in metric tons]

| Area and sector                                 | 2025 Allocations | 2025 A season <sup>1</sup> |                                | 2025 B season <sup>1</sup> |
|---|------------------|----------------------------|--------------------------------|----------------------------|
|   |                  | A season DFA               | SCA harvest limit <sup>2</sup> | B season DFA               |
| Bering Sea subarea TAC <sup>1</sup> .....       | 1,389,000        | n/a                        | n/a                            | n/a                        |
| CDQ DFA .....                                   | 139,400          | 62,730                     | 39,032                         | 76,670                     |
| ICA <sup>1</sup> .....                          | 46,000           | n/a                        | n/a                            | n/a                        |
| Total Bering Sea non-CDQ DFA .....              | 1,203,600        | 541,620                    | 337,008                        | 661,980                    |
| AFA Inshore .....                               | 601,800          | 270,810                    | 168,504                        | 330,990                    |
| AFA Catcher/Processors <sup>3</sup> .....       | 481,440          | 216,648                    | 134,803                        | 264,792                    |
| Catch by CPs .....                              | 440,518          | 198,233                    | n/a                            | 242,285                    |
| Catch by CVs <sup>3</sup> .....                 | 40,922           | 18,415                     | n/a                            | 22,507                     |
| Unlisted CP Limit <sup>4</sup> .....            | 2,407            | 1,083                      | n/a                            | 1,324                      |
| AFA Motherships .....                           | 120,360          | 54,162                     | 33,701                         | 66,198                     |
| Excessive Harvesting Limit <sup>5</sup> .....   | 210,630          | n/a                        | n/a                            | n/a                        |
| Excessive Processing Limit <sup>6</sup> .....   | 361,080          | n/a                        | n/a                            | n/a                        |
| Aleutian Islands subarea ABC .....              | 46,051           | n/a                        | n/a                            | n/a                        |
| Aleutian Islands subarea TAC <sup>1</sup> ..... | 5,000            | n/a                        | n/a                            | n/a                        |
| CDQ DFA .....                                   | .....            | .....                      | n/a                            | .....                      |
| ICA .....                                       | 3,000            | 1,500                      | n/a                            | 1,500                      |
| Aleut Corporation .....                         | 2,000            | 2,000                      | n/a                            | .....                      |
| Area harvest limit <sup>7</sup> .....           | n/a              | n/a                        | n/a                            | n/a                        |
| 541 .....                                       | 13,815           | n/a                        | n/a                            | n/a                        |
| 542 .....                                       | 6,908            | n/a                        | n/a                            | n/a                        |
| 543 .....                                       | 2,303            | n/a                        | n/a                            | n/a                        |
| Bogoslof District ICA <sup>8</sup> .....        | 250              | n/a                        | n/a                            | n/a                        |

**Note:** Seasonal or sector apportionments may not total precisely due to rounding.

<sup>1</sup>Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock TAC, after subtracting first for the CDQ DFA for the Bering Sea subarea (10 percent) and second for the ICA (46,000 mt), is allocated as follows: inshore sector—50 percent, catcher/processor sector (CP)—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFA and CDQ DFA are allocated to the A season (January 20–June 10) and 55 percent of the DFA and CDQ DFA are allocated to the B season (June 10–November 1). When the Aleutian Islands (AI) pollock ABC equals or exceeds 19,000 mt, the annual TAC is equal to 19,000 mt (§ 679.20(a)(5)(iii)(B)(1)). Pursuant to § 679.20(a)(5)(iii)(B)(2), the AI subarea pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (3,000 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the AI subarea, the A season is allocated no more than 40 percent of the AI pollock ABC. Pursuant to § 679.20(a)(5)(iii)(B)(4), the AI subarea CDQ DFA of 1,900 mt has been reallocated to the Bering Sea subarea CDQ DFA and 12,100 mt of the Aleut Corporation's DFA has been reallocated to the Bering Sea subarea (as the total Bering Sea non-CDQ DFA) for apportionment to the inshore, CP, and mothership sectors. Table 4 has been updated to reflect the AI subarea reallocation to the Bering Sea subarea and the resulting seasonal and sector apportionments.

<sup>2</sup>In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the Sea Lion Conservation Area (SCA) before noon, April 1. The SCA is defined at § 679.22(a)(7)(vii).

<sup>3</sup>Pursuant to § 679.20(a)(5)(i)(A)(4), 8.5 percent of the allocation to listed CPs shall be available for harvest only by eligible catcher vessels with a CP endorsement delivering to listed CPs, unless there is a CP sector cooperative contract for the year.

<sup>4</sup>Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted CPs are limited to harvesting not more than 0.5 percent of the CP sector's allocation of pollock.

<sup>5</sup>Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

<sup>6</sup>Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

<sup>7</sup>Pursuant to § 679.20(a)(5)(iii)(B)(6), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the AI pollock ABC.

<sup>8</sup>Pursuant to § 679.22(a)(7)(i)(B), the Bogoslof District is closed to directed fishing for pollock. The amounts specified are for incidental catch only and are not apportioned by season or sector (§ 679.20(a)(5)(ii)).

## 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 reallocation of unharvested Aleutian Islands pollock to the Bering Sea subarea for harvest by the inshore, CP, and mothership sectors as well as the CDQ sector. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of 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.

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

Dated: March 26, 2025.

**Karen H. Abrams,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 2025-05499 Filed 3-28-25; 8:45 am]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

Vol. 90, No. 60

Monday, March 31, 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.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

[NRC-2024-0216]

RIN 3150-AL25

#### List of Approved Spent Fuel Storage Casks: NAC International, Inc., MAGNASTOR® Storage System, Certificate of Compliance No. 1031, Amendment No. 15; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule; correction.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is correcting a proposed rule that was published in the *Federal Register* on March 20, 2025, revising the NAC International, Inc. MAGNASTOR® Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 15 to Certificate of Compliance No. 1031. This action is necessary to replace an incorrect phrase in the **SUMMARY** caption of the document.

**DATES:** March 31, 2025.

**FOR FURTHER INFORMATION CONTACT:** Irene Wu, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-1951, email: [Irene.Wu@nrc.gov](mailto:Irene.Wu@nrc.gov) and Donald Habib, telephone: 301-415-1035, email: [Donald.Habib@nrc.gov](mailto:Donald.Habib@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**SUPPLEMENTARY INFORMATION:** The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at <https://www.regulations.gov> under Docket ID NRC-2024-0216. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC-2024-0216); (2) click the “Subscribe” link; and (3) enter an email address and click on the “Subscribe” link.

## Correction

In FR Doc. 2025-04650 appearing on page 13103 in the *Federal Register* of Thursday, March 20, 2025, in the first column, in the second sentence of the **SUMMARY** caption, correct the phrase “head load” to read “heat load”.

Dated: March 25, 2025.

For the Nuclear Regulatory Commission.

**Araceli Billoch Colon,**

*Branch Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2025-05458 Filed 3-28-25; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2025-0473; Project Identifier AD-2024-00281-T]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive (AD) 2018-26-03, which applies to all The Boeing Company Model 757-200 series airplanes. AD 2018-26-03 requires, for the Captain’s and First Officer’s seats, repetitive horizontal actuator identifications, repetitive checks of the horizontal movement system (HMS), a detailed inspection of the HMS, as applicable, and applicable on-condition actions. AD 2018-26-03 also requires a general visual inspection to determine the seat part numbers of the Captain’s and First Officer’s seats, a cable adjustment check on seats with certain seat part numbers, and applicable on-condition actions. Since the FAA issued AD 2018-26-03, the FAA has determined that additional seats are affected by the unsafe condition. This proposed AD would retain the actions required by AD 2018-26-03 and add an inspection for previously omitted part numbers. 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 May 15, 2025.

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

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

- *Fax:* 202-493-2251.

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

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

*AD Docket:* You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0473; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

*Material Incorporated by Reference:*

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

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0473.

**FOR FURTHER INFORMATION CONTACT:** Courtney Tuck, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3986; email: [Courtney.K.Tuck@faa.gov](mailto:Courtney.K.Tuck@faa.gov).

## SUPPLEMENTARY INFORMATION:

### Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include

“Docket No. FAA–2025–0473; Project Identifier AD–2024–00281–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 the 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 proposed AD.

#### 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 Courtney Tuck, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3986; email: [Courtney.K.Tuck@faa.gov](mailto:Courtney.K.Tuck@faa.gov). Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

#### Background

The FAA issued AD 2018–26–03, Amendment 39–19533 (83 FR 66612, December 27, 2018) (AD 2018–26–03), for all The Boeing Company Model 757–200 series airplanes. AD 2018–26–03 was prompted by reports of uncommanded movement of the Captain’s and First Officer’s seats. AD 2018–26–03 requires, for the Captain’s and First Officer’s seats, repetitive horizontal actuator identifications, repetitive checks of the HMS, a detailed inspection of the HMS, as applicable, and applicable on-condition actions. AD 2018–26–03 also requires a general

visual inspection to determine the seat part numbers of the Captain’s and First Officer’s seats, a cable adjustment check on seats with certain seat part numbers, and applicable on-condition actions. The agency issued AD 2018–26–03 to address uncommanded movement of the Captain’s and First Officer’s seat, which could lead to reduced controllability of the airplane.

#### Actions Since AD 2018–26–03 Was Issued

Since the FAA issued AD 2018–26–03, Boeing and the seat supplier (Ipeco) determined that certain seat part numbers were inadvertently omitted from the service information required by AD 2018–26–03. Ipeco subsequently updated their service information to include the additional part numbers, and Boeing updated their service information as well. Based on this, the FAA has determined that additional seats are affected by the unsafe condition.

In addition, the effectivity of Boeing Special Attention Service Bulletin 757–25–0308, Revision 2, dated June 12, 2023; and Boeing Special Attention Service Bulletin 757–25–0309, Revision 2, dated June 12, 2023; are limited to The Boeing Company Model 757–200 series airplanes having certain line numbers. However, the applicability of this proposed AD includes all The Boeing Company Model 757–200 series airplanes. Because the affected parts are rotatable parts, the FAA has determined that these parts could later be installed on airplanes that were initially delivered with acceptable parts, thereby subjecting those airplanes to the unsafe condition.

#### FAA’s Determination

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

#### Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Service Bulletin 757–25–0308, Revision 2, dated June 12, 2023. This material specifies procedures for repetitive horizontal actuator identifications, repetitive checks of the HMS, a detailed inspection of the HMS, as applicable, and applicable on-condition actions including an overhaul and checks of the HMS, with the option to install a serviceable seat under certain conditions, which terminates the repetitive checks.

The FAA reviewed Boeing Special Attention Service Bulletin 757–25–

0309, Revision 2, dated June 12, 2023. This material specifies procedures for a general visual inspection to determine the seat part numbers on the Captain’s and First Officer’s seats, and, for seats with certain part numbers, a manual override cable adjustment check of the Captain’s and First Officer’s seats, and applicable on-condition actions including moving the adjustment nut, tightening the lock nut, and readjusting the control lever.

This proposed AD would also require Boeing Special Attention Service Bulletin 757–25–0308, Revision 1, dated June 7, 2018, which the Director of the Federal Register approved for incorporation by reference as of January 31, 2019 (83 FR 66612, December 27, 2018).

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

#### Proposed AD Requirements in This NPRM

Although this proposed AD does not explicitly restate the requirements of AD 2018–26–03, this proposed AD would retain all of the requirements of AD 2018–26–03. Those requirements are referenced in the material identified previously, which, in turn, is referenced in paragraphs (g) and (h) of this proposed AD.

This proposed AD would retain all of the requirements of AD 2018–26–03 and add actions for certain airplanes. This proposed AD would also require accomplishment of the actions identified as “RC” (required for compliance) in the Accomplishment Instructions of Boeing Special Attention Service Bulletins 757–25–0308 and 757–25–0309, both Revision 2, dated June 12, 2023, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA–2025–0473.

#### Acceptable Methods of Compliance

The FAA has determined that the actions required by paragraphs (g) and (h) of this proposed AD are not required under specific conditions, *e.g.*, if it can be shown through maintenance records that the required actions have already been accomplished by the previous revision of the service information and specific conditions have been met. Table 1 to paragraph (j) of this proposed AD identifies these conditions. Complying with these conditions adequately addresses the unsafe

condition identified in this proposed AD.

**Costs of Compliance**

The FAA estimates that this AD, if adopted as proposed, would affect 484

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

**ESTIMATED COSTS**

| Action  | Labor cost  | Parts cost | Cost per product                        | Cost on U.S. operators                      |
|---|---|------------|---|---|
| Identification/check (retained actions from AD 2018–26–03). | Up to 11 work-hours × \$85 per hour = \$935 per identification/check cycle. | \$4,820    | \$5,755 per identification/check cycle. | \$2,785,420 per identification/check cycle. |
| Inspection (retained action from AD 2018–26–03).            | Up to 1 work-hour × \$85 per hour = \$85.                                   | 0          | Up to \$85 .....                        | \$41,140.                                   |
| Part identification (new proposed action).                  | 1 work-hour × \$85 per hour = \$85.   | 0          | \$85 .....                              | \$41,140.                                   |

Certain configurations of the Captain’s and First Officer’s seats may require special tooling to test the seats. Special tooling for one set of Captain’s and First Officer’s seats will cost \$30,000, and a certain other set will cost \$32,500. If an operator owns both combinations of seats, the special tooling will cost up to \$62,500 per operator.

We have received no definitive data that would enable us to provide the remaining cost estimates for the on-condition actions specified in this AD.

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

The FAA has 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 that the proposed regulation:

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

**List of Subjects in 14 CFR Part 39**

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

**The Proposed Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

- 2. The FAA amends § 39.13 by:
  - a. Removing Airworthiness Directive (AD) 2018–26–03, Amendment 39–19533 (83 FR 66612, December 27, 2018), and
  - b. Adding the following new AD:

**The Boeing Company:** Docket No. FAA–2025–0473; Project Identifier AD–2024–00281–T.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by May 15, 2025.

**(b) Affected ADs**

This AD replaces AD 2018–26–03, Amendment 39–19533 (83 FR 66612, December 27, 2018) (AD 2018–26–03).

**(c) Applicability**

This AD applies to all The Boeing Company Model 757–200 series airplanes, certificated in any category.

**(d) Subject**

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

**(e) Unsafe Condition**

This AD was prompted by reports of uncommanded movement of the Captain’s and First Officer’s seats. The FAA is issuing this AD to address uncommanded movement of the Captain’s or First Officer’s seat, which could lead to reduced controllability of the airplane.

**(f) Compliance**

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

**(g) Identification, Checks and Inspection of Horizontal Movement System, and On-Condition Actions**

For airplanes identified in Boeing Special Attention Service Bulletin 757–25–0308, Revision 2, dated June 12, 2023: Except as required by paragraphs (i) and (m) of this AD, at the applicable times specified in paragraph 1.E., “Compliance,” of Boeing Special Attention Service Bulletin 757–25–0308, Revision 1, dated June 7, 2018, or Revision 2, dated June 12, 2023, do all applicable actions identified as “RC” (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–25–0308, Revision 1, dated June 7, 2018, or Revision 2, dated June 12, 2023. As of the effective date of this AD, only Boeing Special Attention Service Bulletin 757–25–0308, Revision 2, dated June 12, 2023, may be used.

**(h) Seat Identification, Cable Adjustment, and On-Condition Actions**

For airplanes identified in Boeing Special Attention Service Bulletin 757–25–0309, Revision 2, dated June 12, 2023: Except as specified by paragraphs (i) and (m) of this AD, at the applicable times specified in the “Compliance” paragraph of Boeing Special Attention Service Bulletin 757–25–0309, Revision 2, dated June 12, 2023, do an inspection to determine the part number of the Captain’s and First Officer’s seats, and all

applicable on-condition actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–25–0309, Revision 2, dated June 12, 2023. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the Captain’s and First Officer’s seats can be conclusively determined from that review.

**(i) Exceptions to Service Bulletin Specifications for Paragraphs (g) and (h) of This AD**

(1) Where the “Compliance” paragraph of Boeing Special Attention Service Bulletin 757–25–0308, Revision 1, dated June 7, 2018, refers to “the original issue date of this service bulletin,” this AD requires using “January 31, 2019 (the effective date of AD 2018–26–03).”

(2) Where the “Compliance” paragraph of Boeing Special Attention Service Bulletin 757–25–0308, Revision 2, dated June 12, 2023, refers to “the original issue date of this service bulletin,” this AD requires using “January 31, 2019 (the effective date of AD 2018–26–03).”

(3) Where the “Compliance” paragraph of Boeing Special Attention Service Bulletin 757–25–0309, Revision 2, dated June 12, 2023, refers to “72 months after the original issue date of this service bulletin,” this AD requires using “36 months after January 31, 2019 (the effective date of AD 2018–26–03).”

(4) Where the “Compliance” paragraph of Boeing Special Attention Service Bulletin 757–25–0309, Revision 2, dated June 12, 2023, refers to “the Revision 2 date of this

service bulletin,” this AD requires using “the effective date of this AD.”

**(j) Identification, Checks and Inspection of Horizontal Movement System, and On-Condition Actions for Additional Airplanes**

For airplanes other than those identified in Boeing Special Attention Service Bulletin 757–25–0308, Revision 2, dated June 12, 2023: Except as required by paragraphs (l) and (m) of this AD, at the applicable times specified in paragraph 1.E., “Compliance,” of Boeing Special Attention Service Bulletin 757–25–0308, Revision 2, dated June 12, 2023, do all applicable actions identified as “RC” (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–25–0308, Revision 2, dated June 12, 2023.

**(k) Seat Identification, Cable Adjustment, and On-Condition Actions for Additional Airplanes**

For airplanes other than those identified in Boeing Special Attention Service Bulletin 757–25–0309, Revision 2, dated June 12, 2023: Except as specified by paragraphs (l) and (m) of this AD, at the applicable times specified in the “Compliance” paragraph of Boeing Special Attention Service Bulletin 757–25–0309, Revision 2, dated June 12, 2023, do an inspection to determine the part number of the Captain’s and First Officer’s seats, and all applicable on-condition actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–25–0309, Revision 2, dated June 12, 2023. A

review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the Captain’s and First Officer’s seats can be conclusively determined from that review.

**(l) Exceptions to Service Bulletin Specifications for Paragraphs (j) and (k) of This AD**

(1) Where the “Compliance” paragraph of Boeing Special Attention Service Bulletin 757–25–0308, Revision 2, dated June 12, 2023, refers to “the original issue date of this service bulletin,” this AD requires using “the effective date of this AD.”

(2) Where the “Compliance” paragraph of Boeing Special Attention Service Bulletin 757–25–0309, Revision 2, dated June 12, 2023, refers to “72 months after the original issue date of this service bulletin,” this AD requires using “36 months after the effective date of this AD.”

(3) Where the “Compliance” paragraph of Boeing Special Attention Service Bulletin 757–25–0309, Revision 2, dated June 12, 2023, refers to “the Revision 2 date of this service bulletin,” this AD requires using “the effective date of this AD.”

**(m) Acceptable Conditions for Compliance**

If the airplane records show that an Ipeco Captain’s or First Officer’s seat meets all conditions in a given row in table 1 to paragraph (m) of this AD, then the actions specified in paragraphs (g), (h), (j), and (k) as applicable, of this AD are not required for that seat.

TABLE 1 TO PARAGRAPH (m)—ALTERNATIVE ACCEPTABLE SEATS

| Actions done in accordance with Boeing Special Attention Service Bulletin—       | Actions done in accordance with Ipeco Service Bulletin—   | Having Ipeco part number (P/N)—  | And additional required conditions—  |
|--|---|--|--|
| 757–25–0308, Revision 1, dated June 7, 2018, or Revision 2, dated June 12, 2023. | None .....  | 3A258–0007–01–2, 3A258–0007–01–1Z, 3A258–0008–01–2, or 3A258–0008–01–1Z. | No additional conditions required.   |
| 757–25–0308, Revision 1, dated June 7, 2018, or Revision 2, dated June 12, 2023. | 258–25–15 Issue 4, dated February 16, 2018; or Issue 5, dated April 29, 2020; or Issue 6, dated November 1, 2021. | 3A258–0007–01–1 or 3A258–0008–01–1.                                      | Has a horizontal actuator with Artus part number AD8650503 at “Amendment C” or later.  |
| 777–25–0309, Revision 1, dated July 2, 2018, or Revision 2, dated June 12, 2023. | None .....  | 3A258–0007–01–2 or 3A258–0008–01–2.                                      | No additional conditions required.   |
| 777–25–0309, Revision 1, dated July 2, 2018, or Revision 2, dated June 12, 2023. | 258–25–08, Issue 4, dated April 25, 2014; or Issue 5, dated March 4, 2020; or Issue 6, dated January 28, 2021.    | 3A258–0007–01–1, 3A258–0007–01–1Z, 3A258–0008–01–1, or 3A258–0008–01–1Z. | The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25–11–26, Revision 16, dated September 12, 2013, or subsequent revisions up to and including Revision 40, dated December 4, 2023. |
| 777–25–0309, Revision 1, dated July 2, 2018, or Revision 2, dated June 12, 2023. | 210–25–04, Issue 2, dated March 28, 2014; or Issue 3, dated March 3, 2020.  | 3A090–0077–01–1 or 3A090–0078–01–1.                                      | The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25–10–78, Revision 20, dated September 12, 2013, or subsequent revisions up to and including Revision 29, dated October 13, 2023. |

**(n) Alternative Methods of Compliance (AMOCs)**

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

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

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

(4) AMOCs approved for AD 2018-26-03 are approved as AMOCs for the corresponding provisions of this AD.

(5) For material that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (n)(5)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled "RC Exempt," then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled 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 RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

**(o) Related Information**

For more information about this AD, contact Courtney Tuck, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3986; email: *Courtney.K.Tuck@faa.gov*.

**(p) Material Incorporated by Reference**

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

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

(3) The following material was approved for IBR on [DATE 35 DAYS AFTER PUBLICATION OF THE FINAL RULE].

(i) Boeing Special Attention Service Bulletin 757-25-0308, Revision 2, dated June 12, 2023.

(ii) Boeing Special Attention Service Bulletin 757-25-0309, Revision 2, dated June 12, 2023.

(4) The following material was approved for IBR on January 31, 2019 (83 FR 66612, December 27, 2018).

(i) Boeing Special Attention Service Bulletin 757-25-0308, Revision 1, dated June 7, 2018.

(ii) [Reserved]

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

(6) 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.

(7) 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 March 18, 2025.

**Victor Wicklund,**

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

[FR Doc. 2025-04985 Filed 3-28-25; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

**[Docket No. FAA-2025-0182; Airspace Docket No. 22-AAL-75]**

**RIN 2120-AA66**

**Modification of Class E Airspace; Wrangell Airport, Wrangell, AK**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to modify the Class E airspace extending upward from 700 feet to more appropriately contain instrument flight procedures, remove redundant Class E airspace extending upward from 1,200 feet, and to make administrative updates to the legal description for Wrangell Airport, Wrangell, AK. These actions would support the safety and management of instrument flight rules (IFR) operations at the airport.

**DATES:** Comments must be received on or before May 15, 2025.

**ADDRESSES:** Send comments identified by FAA Docket No. FAA-2025-0182 and Airspace Docket No. 22-AAL-75 using any of the following methods:

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

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

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

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

*Docket:* Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey Drasin, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231-2248.

**SUPPLEMENTARY INFORMATION:****Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the

scope of that authority as it would modify Class E airspace to support IFR operations at Wrangell Airport, Wrangell, AK.

### Comments Invited

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

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

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

### Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at [www.regulations.gov](http://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/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal

Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

### Incorporation by Reference

Class E5 airspace designations are published in paragraph 6005, of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024 and effective September 15, 2024. These updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

FAA Order JO 7400.11J lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to modify the Class E airspace extending upward from 700 feet above the surface due to insufficient controlled airspace containment of instrument flight procedures at Wrangell Airport, Wrangell, AK. The proposal would expand coverage to the north-northwest and southeast, remove unnecessary coverage to the west-northwest, and remove redundant Class E airspace areas that extend upward from 1,200 feet, and higher, above the surface. Class E airspace extending upward from the surface was considered, but regional equipment limitations preclude meeting the surface area communication requirements outlined in FAA Order JO 7400.2R, paragraph 17–2–10.

The terrain-driven airspace proposal would better contain departing IFR operations until reaching 1,200 feet above the surface to the south and southwest on the LASOE TWO Area Navigation (RNAV) (Required Navigation Performance [RNP]) Runway (RWY) 10 and RWY 28 DEPARTURES, KAJBU FIVE RNAV (RNP) RWY 10 DEPARTURE, LEVEL ISLAND THREE DEPARTURE (OBSTACLE), and the SUMNER TWO (RNAV) DEPARTURE. Additionally, the proposal would better contain arriving IFR operations that descend below 1,500 feet above the surface to the north on the RNAV (Global Positioning System [GPS]) P RWY 10 and RNAV (GPS)-E approach procedures.

Additionally, this action proposes removal of redundant Class E airspace areas that extend upward from 1,200 and 5,700 feet above the surface at Wrangell Airport, as the Southeast En

Route Domestic Airspace Area provides sufficient airspace containment.

Finally, references to the Wrangell nondirectional beacon, Wrangell localizer, and Level Island very high frequency omnidirectional range/distance measuring equipment should be removed from line three of the legal description's text header as they are no longer needed to describe the proposed airspace.

### Regulatory Notices and Analyses

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

### Environmental Review

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

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

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

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

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

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

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and

effective September 15, 2024, is amended as follows:

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

\* \* \* \* \*

**AAL AK E5 Wrangell, AK [Amended]**

Wrangell Airport, AK

(Lat. 56°29'04" N, long. 132°22'11" W)

That airspace extending upward from 700 feet above the surface within a 5.6-mile radius of the airport, within five miles on either side of the 151° bearing extending from the 5.6-mile radius to 9.5 miles southeast of the airport, within 5.6 miles on the southwest side of the 320° bearing extending from the 5.6-mile radius to 11.8 miles northwest of the airport, and within 5.6 miles on the northeast side of the 320° bearing extending from the 5.6-mile radius to 13.5 miles northwest of the airport.

\* \* \* \* \*

Issued in Des Moines, Washington, on March 14, 2025.

**B.G. Chew,**

*Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2025-05058 Filed 3-28-25; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2025-0583; Airspace Docket No. 25-ASO-7]

**RIN 2120-AA66**

**Establishment of Class E Airspace; Sparta, KY**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Class E airspace at Sparta, KY. The FAA is proposing this action to support new instrument procedures and to support instrument flight rule (IFR) operations.

**DATES:** Comments must be received on or before May 15, 2025.

**ADDRESSES:** Send comments identified by FAA Docket No. FAA-2025-0583 and Airspace Docket No. 25-ASO-7 using any of the following methods:

\* *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://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](http://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/](http://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 establish Class E airspace extending upward from 700 feet above the surface Gallatin County Airport, Sparta, KY, to support IFR operations at this airport.

**Comments Invited**

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically

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

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

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

**Availability of Rulemaking Documents**

An electronic copy of this document may be downloaded through the internet at [www.regulations.gov](http://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/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

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

**Incorporation by Reference**

Class E airspace is published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated

by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These updates would be published subsequently in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

FAA Order JO 7400.11J lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by establishing Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile radius of Gallatin, County Airport, Sparta, KY.

This action is the result of instrument procedures being developed for this airport to support IFR operations.

### Regulatory Notices and Analyses

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

### Environmental Review

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

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

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

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

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

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

### § 71.1 [Amended]

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

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

\* \* \* \* \*

### ASO KY E5 Sparta, KY [Establish]

Gallatin County Airport, KY  
(Lat. 38°40'46" N, long 84°55'44" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Gallatin County Airport.

\* \* \* \* \*

Issued in Fort Worth, Texas.

**Wayne L. Eckenrode,**

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

[FR Doc. 2025–05483 Filed 3–28–25; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2023–1203; Airspace  
Docket No. 23–AGL–12]

RIN 2120–AA66

### Amendment of VOR Federal Airway V–233 and Revocation of VOR Federal Airway V–320 Due to the Decommissioning of the Mount Pleasant, MI, VOR

**AGENCY:** Federal Aviation Administration (FAA) DOT.

**ACTION:** Notice of proposed rulemaking (NPRM); withdrawal.

**SUMMARY:** The FAA is withdrawing the NPRM published in the **Federal Register** on May 30, 2023, proposing to amend Very High Frequency Omnidirectional Range (VOR) Federal Airway V–233 and revoke VOR Federal Airway V–320. The FAA proposed this action due to the planned decommissioning of the VOR portion of the Mount Pleasant, MI (MOP), VOR/

Distance Measuring Equipment (VOR/DME) navigational aid in support of the FAA’s VOR Minimum Operational Network (MON) Program.

**DATES:** Effective as of 0901 UTC, March 31, 2025, the proposed rule published May 30, 2023 (88 FR 34457), is withdrawn.

### FOR FURTHER INFORMATION CONTACT:

Colby Abbott, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

### SUPPLEMENTARY INFORMATION:

#### History

The FAA published a NPRM in the **Federal Register** for Docket No. FAA–2023–1203 (88 FR 34457; May 30, 2023). The NPRM proposed to amend VOR Federal Airway V–233 and revoke VOR Federal Airway V–320 due to the planned decommissioning of the Mount Pleasant, MI, VOR. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Subsequent to the NPRM, a separate rulemaking action amended VOR Federal Airway V–233 making its amendment in this action no longer necessary. Additionally, the Mount Pleasant VOR decommissioning has been delayed two times from the originally targeted March 21, 2024, effective date and is being delayed a third time to July 2026 to address VOR navigational signal coverage issues at 5,000 feet above ground level (AGL) in an area near Mount Pleasant, MI.

### FAA’s Conclusions

The FAA has reviewed the Mount Pleasant VOR decommissioning project and determined further flight inspection evaluations of the Mount Pleasant VOR and other nearby VORs must be accomplished to address the VOR navigational signal coverage issue in the Mount Pleasant, MI, area. The flight inspection evaluations must be completed before a final determination regarding the retention or decommissioning of the Mount Pleasant VOR may be made. Therefore, in light of the project delays and required flight inspection evaluations, the NPRM is withdrawn.

### The Withdrawal

Accordingly, pursuant to the authority delegated to me, the NPRM published in the **Federal Register** on May 30, 2023 (88 FR 34457), FR Doc. 2023–11375, is hereby withdrawn.

Issued in Washington, DC, on March 24, 2025.

**Brian Eric Konie,**

*Manager (A), Rules and Regulations Group.*

[FR Doc. 2025-05287 Filed 3-28-25; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2024-2559; Airspace Docket No. 24-AEA-11]

RIN 2120-AA66

#### Amendment of Class D and Class E Airspace; Morgantown, WV

**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 Morgantown, WV. The FAA is proposing this action as the result of a biennial airspace review. This action will bring the airspace into compliance with FAA orders and to support instrument flight rule (IFR) operations.

**DATES:** Comments must be received on or before May 15, 2025.

**ADDRESSES:** Send comments identified by FAA Docket No. FAA-2024-2559 and Airspace Docket No. 24-AEA-11 using any of the following methods:

\* *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://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](http://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/](http://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:

Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5857.

#### 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 and Class E surface area airspace. It would also amend; Class E airspace area designated as an extension to the Class D and Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface at Morgantown Municipal Airport-Walter L. Bill Hart Field, Morgantown, WV, to support IFR operations at this airport.

##### Comments Invited

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

The FAA will file in the docket all comments it receives, as well as a report

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

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

##### Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at [www.regulations.gov](http://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/](http://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 are published in paragraphs 5000, 6002, 6004, and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These updates would be published subsequently in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

FAA Order JO 7400.11J lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Proposal**

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

Modifying the Class D airspace to within a 4.4-mile (increased from a 4-mile) radius of the Morgantown Municipal Airport-Walter L. Bill Hart Field, WV; and replacing the term "Airport/Facility Directory" with "Chart Supplement".

Modifying the Class E surface airspace at Morgantown Municipal Airport-Walter L. Bill Hart Field within a 4.4-mile (increased from a 4-mile) radius of Morgantown Municipal Airport-Walter L. Bill Hart Field, WV; and replacing the term "Airport/Facility Directory" with "Chart Supplement".

Modifying the Class E airspace area designated as an extension to the Class D and Class E surface airspace by removing the Morgantown VORTAC and associated extension from the airspace legal description; adding an extension beginning at the point lat 39°34'55" N, long 79°51'57" W, to lat 39°31'17" N, long 79°51'13" W, then following the 7.9-mile radius from the airport clockwise to lat 39°33'13" N, long 80°02'31" W, to lat 39°36'09" N, long 79°59'46" W, then counter clockwise following the 4.4-mile radius to the point of origination; adding an extension 1 mile each side of the 352° bearing and the Morgantown VOR/DME from the airport extending from the 4.4-mile radius of the airport to 7.9-mile north of the airport; and adding an extension 1 mile each side of the 172° bearing from the airport extending from the 4.4-mile radius of Morgantown Municipal Airport-Walter L. Bill Hart Field to 7.9 miles south of the airport. Modifying the Class E airspace extending upward from 700 feet above the surface to within a 14.8-mile radius (increased from a 6.6-mile radius) of Morgantown Municipal Airport-Walter L. Bill Hart Field.

This action is the result of instrument procedures being developed for this airport to support IFR operations.

**Regulatory Notices and Analyses**

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as

the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Environmental Review**

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

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

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

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

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

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

**§ 71.1 [Amended]**

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

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

**AEA WV D Morgantown, WV [Amended]**

Morgantown Municipal Airport-Walter L. Bill Hart Field, WV  
(Lat. 39°38'37" N, long. 79°55'03" W)

That airspace extending upward from the surface to and including 3,700 feet MSL within a 4.4-mile radius of Morgantown Municipal Airport-Walter L. Bill Hart Field. 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 6002 Class E Airspace Areas Designated as Surface Areas.*

\* \* \* \* \*

**AEA WV E2 Morgantown, WV [Amended]**

Morgantown Municipal Airport-Walter L. Bill Hart Field, WV  
(Lat. 39°38'37" N, long. 79°55'03" W)

Within a 4.4-mile radius of Morgantown Municipal Airport-Walter L. Bill Hart Field. This Class E 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 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.*

\* \* \* \* \*

**AEA WV E4 Morgantown, WV [Amended]**

Morgantown Municipal Airport-Walter L. Bill Hart Field, WV  
(Lat. 39°38'37" N, long. 79°55'03" W)  
Morgantown VOR/DME, WV  
(Lat. 39°33'24" N, long. 79°51'37" W)

That airspace extending upward from the surface at Morgantown Municipal Airport-Walter L. Bill Hart Field, extending from the 4.4-mile radius of the airport beginning at the point lat 39°42'18" N, long 79°58'9" W, to lat 39°45'56" N, long 79°58'54" W, then following the 7.9-mile radius from the airport clockwise to lat 39°46'30" N, long 79°54'19" W, to lat 39°42'52" N, long 79°53'33" W, then following the 4.4-mile radius of the airport counterclockwise to the point of origination; adding an extension 1 mile each side of the 352° bearing and the Morgantown VOR/DME, extending from the airport 4.4-mile radius of the airport to 7.9-mile north of the airport; and adding an extension 1 mile each side of the 172° bearing from the airport extending from the 4.4-mile radius of Morgantown Municipal Airport-Walter L. Bill Hart Field to 7.9 miles south of the airport.

\* \* \* \* \*

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

\* \* \* \* \*

**AEA WV E5 MORGANTOWN, WV [Amended]**

Morgantown Municipal Airport-Walter L. Bill Hart Field, WV  
(Lat. 39°38'37" N, long. 79°55'03" W)

That airspace extending upward from 700 feet above the surface within a 14.8-mile radius of the Morgantown Municipal Airport-Walter L. Bill Hart Field.

\* \* \* \* \*

Issued in Fort Worth, Texas, on March 26, 2025.

**Wayne L. Eckenrode,**

*Acting Manager, Airspace and Procedures South, AJV-C22, ATO Central Service Center.*

[FR Doc. 2025-05492 Filed 3-28-25; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2025–0183; Airspace  
Docket No. 23–AAL–66]

RIN 2120–AA66

**Modification of Class E Airspace;  
Petersburg James A Johnson Airport,  
Petersburg, AK**

**AGENCY:** Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking  
(NPRM).

**SUMMARY:** This action proposes to modify the Class E airspace extending upward from 700 feet above the surface to optimize instrument flight procedure containment at Petersburg James A Johnson Airport. Additionally, this action proposes to remove redundant Class E airspace and amend lines two and three of the text header in the airport's legal description. These actions would support the safety and management of instrument flight rules (IFR) operations at the airport.

**DATES:** Comments must be received on or before May 15, 2025.

**ADDRESSES:** Send comments identified by FAA Docket No. FAA–2025–0183 and Airspace Docket No. 23–AAL–66 using any of the following methods:

\* *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instructions for sending your comments electronically.

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

\* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, 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](http://www.regulations.gov) at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, 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/](http://www.faa.gov/air_traffic/publications/). You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Drasin, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–2248.

**SUPPLEMENTARY INFORMATION:****Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify Class E airspace to support instrument flight rules (IFR) operations at Petersburg James A Johnson Airport, Petersburg, AK.

**Comments Invited**

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

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the

comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

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

**Availability of Rulemaking Documents**

An electronic copy of this document may be downloaded through the internet at [www.regulations.gov](http://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/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

**Incorporation by Reference**

Class E5 airspace designations are published in paragraph 6005, of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

FAA Order JO 7400.11J lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Proposal**

The FAA is proposing an amendment to 14 CFR part 71 to modify the Class E airspace extending upward from 700 feet above the surface and to update the administrative portion of the legal description at Petersburg James A Johnson Airport, AK.

While the existing airspace contains widespread Class E coverage over an

approximate 75 x 25-mile area, only that airspace within 6.5 miles of the airport extends upward from 700 feet. This proposal would expand that airspace to within 12.3 miles of the airport with a narrow segment extending 16.2 miles north to appropriately contain arriving IFR operations below 1,500 feet above the surface and departing and missed approach IFR operations until reaching 1,200 feet above the surface.

Next, this proposal would remove multiple segments of Class E airspace that extend upward from 1,200 feet above the surface to the north and southeast, 3,300 feet to the south, 4,200 feet to the south and southeast, and 5,700 feet to the northwest. These airspace areas are redundant given existing southeast E6 domestic airspace blanketing the region provides sufficient controlled airspace for aircraft to transition into and out of the terminal and en route environments.

Finally, administrative changes would be made to lines two and three of the text header for the airport's legal description. The airport name in line two is incorrect and should be changed to "Petersburg James A Johnson Airport". Line three should remove unnecessary descriptive references to the Fredericks Point nondirectional beacon (NDB), Petersburg localizer (LOC), and Level Island very high frequency omnidirectional range/distance measuring equipment (VOR/DME) (LVD).

### Regulatory Notices and Analyses

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

### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and

Procedures" prior to any FAA final regulatory action.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

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

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

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

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

#### § 71.1 [Amended]

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

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

\* \* \* \* \*

#### AAL AK E5 Petersburg, AK [Amended]

Petersburg James A Johnson Airport, AK (Lat. 56°48'05" N, long. 132°56'46" W)

That airspace extending upward from 700 feet above the surface within the airport's 7.2-mile radius, between the 015° and 145° bearings extending from the 7.2-mile radius to the 9.6-mile radius, between the 145° and 277° bearings extending from the 7.2-mile radius to the 12.3-mile radius, and within .4 miles west and 1.7 miles east of the 005° bearing extending the 7.2-mile radius to 16.2 miles north of the airport.

\* \* \* \* \*

Issued in Des Moines, Washington, on March 12, 2025.

**B.G. Chew,**

*Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2025–05059 Filed 3–28–25; 8:45 am]

**BILLING CODE 4910–13–P**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R09–OAR–2024–0473; FRL–12323–01–R9]

### Air Plan Approval; California; State Implementation Plan Revision for Chico, Modesto, and Stockton Carbon Monoxide Maintenance Areas

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a revision to the California state implementation plan (SIP) that removes carbon monoxide (CO) contingency measures and monitoring requirements from the maintenance plan for three CO maintenance areas: Chico Urbanized Area, Modesto Urbanized Area, and Stockton Urbanized Area. We are proposing to approve the revision under the Clean Air Act (CAA or "Act"). We are taking comments on this proposal and plan to follow with a final action.

**DATES:** Comments must be received on or before April 30, 2025.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R09–OAR–2024–0473 at <https://www.regulations.gov>. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable

accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Julia Leo, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; phone: (213) 244-1862; email: [leo.julia@epa.gov](mailto:leo.julia@epa.gov).

**SUPPLEMENTARY INFORMATION:**

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

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**I. Background**

The CAA requires the EPA to set national ambient air quality standards (NAAQS or “standards”) for carbon monoxide (CO) as one of six “criteria” air pollutants. In 1971, the EPA established primary and secondary NAAQS for CO at 9 parts per million (ppm), averaged over an 8-hour period, and at 35 ppm, averaged over a 1-hour period.<sup>1</sup>

In 1991, the EPA designated 11 areas in California as nonattainment for the 9 ppm CO standard: Bakersfield Metropolitan Area, Chico Urbanized Area, Fresno Urbanized Area, Lake Tahoe North Shore Area, Lake Tahoe South Shore Area, Los Angeles-South Coast Air Basin Area, Modesto Urbanized Area, Sacramento Area, San Diego Area, San Francisco-Oakland-San Jose Area, and Stockton Urbanized Area.<sup>2</sup>

In 1996, the California Air Resources Board (CARB) submitted a redesignation request and maintenance plan (“1996 CO Maintenance Plan”)<sup>3</sup> demonstrating continued maintenance of the CO NAAQS in ten of these areas,<sup>4</sup> including

the Chico Urbanized Area, the Modesto Urbanized Area, and the Stockton Urbanized Area, through 2010. The EPA approved the 1996 CO Maintenance Plan as a revision to the California SIP and redesignated the ten areas to attainment effective June 1, 1998.<sup>5</sup> In 2004, CARB submitted the “2004 Revision to the California State Implementation Plan for Carbon Monoxide, Updated Maintenance Plan for Ten Federal Planning Areas” (“2004 CO Second Maintenance Plan”)<sup>6</sup> that provided a ten-year update to the 1996 CO Maintenance Plan and demonstrated that the areas would maintain the CO NAAQS through 2018. On November 30, 2005, the EPA approved the 2004 CO Second Maintenance Plan as a revision to the California SIP.<sup>7</sup> The Chico Urbanized Area, Modesto Urbanized Area, and Stockton Urbanized Area have completed their 20-year maintenance periods (from 1998 to 2018) as required under CAA section 175A.

**II. Requirements of CAA Section 110(l)**

CAA section 110(l) provides that “[t]he Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in [CAA section 171]) or any other applicable requirement of [the CAA].”<sup>8</sup> CAA section 110(l) applies to the approval of all revisions to SIPs under the CAA and to all areas, whether attainment, nonattainment, unclassifiable, or maintenance for one or more of the NAAQS. Before the EPA can conclude that the SIP revision is allowed under CAA section 110(l), the EPA must first conclude that the plan revision meets CAA requirements.

The EPA interprets CAA section 110(l) as applying to all NAAQS that are in effect, including those for which SIP submissions have not been made; therefore, the EPA considers the impact of the SIP revision on emissions and/or ambient concentrations of any pollutant. Additionally, in certain circumstances, a state may demonstrate non-interference with CAA applicable

requirements by substituting equivalent emissions reductions to compensate for any change to a SIP to ensure actual emissions to the air are not increased and thus preserve status quo air quality.<sup>9</sup>

**III. The State’s Submittal and Evaluation for Compliance With SIP Revision Procedural Requirements**

*A. The State’s Submittal*

On April 4, 2024, CARB submitted a SIP revision titled “2023 Revision to the California State Implementation Plan for Carbon Monoxide,”<sup>10</sup> and on January 15, 2025, CARB submitted a clarification by email<sup>11</sup> (collectively, the “2023 CO SIP Revision” or “submittal”). The submittal proposes to remove CO contingency measures and monitoring requirements for the Chico, Modesto, and Stockton maintenance areas from the 2004 CO Second Maintenance Plan. CARB proposes updating the 2004 CO Second Maintenance Plan to remove the contingency measures section on page 11 and monitoring requirements for the three areas outlined in section II.A.2 on page 6.<sup>12</sup> To discontinue CO monitoring, CARB must demonstrate that a contingency plan is no longer needed and remove associated contingency measures (that would be triggered by a monitored CO violation) and monitoring requirements from the SIP. CARB submitted the 2023 CO SIP Revision to demonstrate that CO monitoring is no longer needed for a contingency plan in these areas. The proposed revision follows a CO monitor discontinuation request for these locations submitted by CARB in September 2022.<sup>13</sup>

<sup>9</sup> See also *Hall v. EPA*, 273 F.3d 1146, nn. 11–12 (9th Cir. 2001) (reasoning that, if there is no relaxation of air quality regulations, a revision to a SIP would not interfere with reasonable further progress or attainment in areas attaining the NAAQS).

<sup>10</sup> CARB, “2023 Revision to the California State Implementation Plan for Carbon Monoxide,” February 9, 2024.

<sup>11</sup> Email dated January 15, 2025, from Ayla Moretti, CARB, to Jin Xu, CARB, and Karina O’Connor, EPA, Subject: “RE: discuss a few questions re: CO maintenance plan SIP revision?”

<sup>12</sup> Id. and 2023 CO SIP Revision, 14.

<sup>13</sup> See letter dated September 9, 2022, from Kathleen Gill, Chief, Air Quality Surveillance Branch, Monitoring and Laboratory Division, CARB, to Gwen Yoshimura, EPA, Region 9, requesting discontinuation of CO monitors in four CARB locations. We will act on the monitoring discontinuation request in a later rulemaking.

<sup>1</sup> 36 FR 8186 (April 30, 1971).

<sup>2</sup> 56 FR 56694, 56723–56726 (November 6, 1991).

<sup>3</sup> CARB, “Final Carbon Monoxide Redesignation Request and Maintenance Plan for Ten Federal Planning Areas (“1996 CO Maintenance Plan”)” (April 26, 1996).

<sup>4</sup> The 2004 CO Second Maintenance Plan did not include Los Angeles. The EPA redesignated Los

Angeles-South Coast Air Basin to attainment for CO in 2007. 72 FR 26718 (May 11, 2007).

<sup>5</sup> 63 FR 15305 (March 31, 1998).

<sup>6</sup> CARB, “2004 Revision to the California State Implementation Plan for Carbon Monoxide,” adopted July 22, 2004.

<sup>7</sup> 70 FR 71776 (November 30, 2005).

<sup>8</sup> 42 U.S.C. 7410(l).

*B. Evaluation for Compliance With SIP Revision Procedural Requirements*

Under CAA sections 110(a) and 110(l), SIPs and SIP revisions must be adopted by the state, and the state must provide for reasonable public notice and hearing prior to adoption. Pursuant to 40 CFR 51.102, states must provide at least 30-days' notice of any public hearing to be held on a proposed SIP revision. States must provide the opportunity to submit written comments and allow the public the opportunity to request a public hearing within that period.

CARB made the 2023 CO SIP Revision available for a 30-day public review from February 9, 2024, to March 11, 2024, and no comments were received. CARB also provided notice, within the 30-day comment period, to allow the public the opportunity to request a public hearing to be held on May 23, 2024. The public comment period closed on March 11, 2024, and no request for a public hearing was received. CARB subsequently adopted the 2023 CO SIP Revision as a revision to the SIP on April 4, 2024, through Executive Order S-24-006. CARB then submitted the 2023 CO SIP Revision to the EPA on April 4, 2024, as an attachment to a transmittal letter dated April 4, 2024 (submitted electronically

on April 5, 2024). Copies of these documents can be found in the docket for this proposed rule.

Based on the materials provided in the April 4, 2024 SIP submission, we propose to find that CARB has met the procedural requirements for adoption and submission of SIPs and SIP revisions under CAA sections 110(a) and 110(l), and 40 CFR 51.102.

On October 5, 2024, the 2023 CO SIP Revision was deemed by operation of law to meet the completeness criteria in 40 CFR part 51 appendix V, which must be met before formal EPA review.

**IV. The EPA's Evaluation and Action**

*A. How is the EPA evaluating the SIP revision?*

Rules in the SIP must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193). The EPA evaluated the SIP revision to determine whether the proposed removal of contingency measures and monitors from the 2004 CO Second Maintenance Plan would interfere with attainment or

maintenance of the NAAQS or conflict with other CAA requirements.

A SIP revision meeting 110(l) requirements is needed before the EPA can approve a monitoring discontinuation request under 40 CFR 58.14(c)(1), and completion of the 20-year maintenance period is necessary before removing monitoring or contingency provisions that were approved as part of an area's maintenance plan.<sup>14</sup>

*B. Does the SIP revision meet the evaluation criteria?*

The 2023 CO SIP Revision includes ambient monitoring data to show that, as of 2022, the three areas' monitored CO levels were 81 percent to 86 percent below the federal 8-hour CO standard of 9 ppm (table 1 of this document). The design value for CO is the highest of the second highest eight-hour concentrations observed at any site in the area over eight consecutive quarters.<sup>15</sup> The 2023 design values, also shown in table 1, were 81 percent to 87 percent below the 8-hour CO NAAQS.<sup>16</sup> Preliminary data available in the EPA's Air Quality System (AQS) for 2024 (January through March) indicate that the CO maintenance areas continue to show concentrations below the 1971 8-hour CO NAAQS.<sup>17</sup>

TABLE 1—2022 AND 2023 DESIGN VALUES AND PERCENT BELOW FEDERAL 8-HOUR STANDARD OF 9 ppm

| CO maintenance area | Monitoring site                                 | 2022 Design value (ppm) (2021–2022 data years) | Percent below Federal 8-hour CO standard (as of the 2022 design value) | 2023 Design value (ppm) (2022–2023 data years) | Percent below Federal 8-hour CO standard (as of the 2023 design value) |
|---------------------|---|--|--|--|--|
| Chico .....         | Chico—East Avenue (AQS ID: 06–007–0008).        | 1.3  | 86   | 1.2  | 87   |
| Modesto .....       | Modesto—14th Street (AQS ID: 06–099–0005).      | 1.4  | 84   | 1.4  | 84   |
| Stockton .....      | Stockton—University Park (AQS ID: 06–077–1003). | 1.7  | 81   | 1.7  | 81   |

Source: Carbon Monoxide Design Values, 2023, Table 6a. Monitor Trends 8 hr., AQS Data Retrieval, May 7, 2024.

The submittal also includes an explanation of two violations of the 8-hour CO NAAQS in 2018 in the Chico maintenance area. Appendix A of the submittal provides evidence to support that two 2018 violations of the maximum 8-hour CO concentration in the Chico maintenance area were due to wildfire smoke from the November 2018 Camp Fire.

The submittal provides evidence that statewide California CO emissions declined by 59 percent between 2000 and 2023, mostly driven by the 82 percent reduction in on-road motor vehicle CO emissions. CO emissions from stationary and areawide sources declined by 34 percent and 22 percent, respectively, during the same period. The submittal includes data to show that CO emissions in the three

maintenance areas decreased between 57 percent and 64 percent between 2000 and 2023. CARB projects that CO emissions in the maintenance areas will further decrease by 18 percent to 37 percent between 2023 and 2050 (see table 2 of this document). The projections for 2023 and onward are significantly lower than the CO emissions in 2004, when the 2004 CO Second Maintenance Plan revision was

<sup>14</sup>CAA section 175A(d) and memorandum dated September 4, 1992, from John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards, Subject: "Procedures for Processing Requests to Redesignate Areas to Attainment" ("Calcagni Memo").

<sup>15</sup>Memorandum dated June 18, 1990, from William G. Laxton, Director, Technical Support Division, EPA, Subject: "Ozone and Carbon Monoxide Design Value Calculations."

<sup>16</sup>The data used to confirm attainment are the 8-hour CO NAAQS design values. Id. See also 63 FR 15305, 15306.

<sup>17</sup>EPA, AQS Raw Data Report (AMP350), Report Request ID: 2229172, October 2, 2024.

adopted. CARB attributes this to the benefits of tighter emissions standards for new engines, fuel requirements, and

turnover of the vehicle fleet to lower-emitting models.

TABLE 2—TOTAL WINTER CO EMISSIONS IN EACH MAINTENANCE AREA  
[Winter seasonal emissions in tons per day]

| CO maintenance area | Area included in inventory | 2000 | 2010 | 2023 | 2030 | 2050 |
|---------------------|----------------------------|------|------|------|------|------|
| Chico .....         | Butte County .....         | 132  | 82   | 57   | 51   | 47   |
| Modesto .....       | Stanislaus County .....    | 160  | 85   | 58   | 45   | 37   |
| Stockton .....      | San Joaquin County .....   | 230  | 125  | 84   | 66   | 57   |

Source: 2023 CO SIP Revision, Table 4.

Based on the information in the submittal, we propose to find that the SIP revision is consistent with CAA 110(l) requirements. CARB’s submittal demonstrates that the removal of contingency measures and monitoring requirements for the Chico, Modesto, and Stockton urbanized areas will not interfere with maintenance of the CO standard or other CAA requirements related to this standard. These areas each continued to maintain the CO NAAQS throughout their respective 20-year CO maintenance periods in accordance with their approved maintenance plans during this time. Additionally, for CO (unlike for lead, where re-entrainment is an ongoing concern), removal of contingency measures that require monitoring in the proposed areas would not interfere with maintenance or other applicable requirements because the area has monitored below the NAAQS for more than 20 years, and other relevant control measures remain in place.

Ambient levels of CO in the three maintenance areas where monitors are proposed for removal have been well below the level of the NAAQS throughout the maintenance period,<sup>18</sup> and CARB’s analysis of future CO emissions in these areas demonstrates continued compliance with the CO NAAQS (see tables 1 and 2 in this document). CO emissions in these areas dropped significantly from 2000 through 2023, and State measures, such as CARB’s adopted mobile source control strategy, will also continue to generate further CO emissions reductions, supporting CARB’s demonstration that forecasted emissions will provide for continued attainment through 2050. Therefore, the EPA also proposes to find that the submitted revision demonstrates that ambient monitoring in these three federal CO planning areas is no longer needed.

<sup>18</sup> 2023 CO SIP Revision, 5, table 2.

*C. Proposed Action and Public Comment*

As authorized in section 110(k)(3) of the Act, and for the reasons set forth in this document, the EPA proposes to fully approve the 2023 CO SIP Revision submitted by CARB electronically on April 5, 2024, because it fulfills all relevant requirements. We will accept comments from the public on this proposal until April 30, 2025.

**V. Statutory and Executive Order Reviews**

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- 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 proposes to approve a state program;

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

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

**List of Subjects in 40 CFR Part 52**

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

Dated: March 10, 2025.

**Cheree D. Peterson,**  
*Acting Regional Administrator, Region IX.*  
[FR Doc. 2025–05369 Filed 3–28–25; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[EPA–HQ–OAR–2024–0404; FRL 12195–02–OAR]

**Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing and Clay Ceramics Manufacturing**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Request for comments on Regulatory Flexibility Act 610 review.

**SUMMARY:** Pursuant to section 610 of the Regulatory Flexibility Act, the Environmental Protection Agency (EPA) is announcing the review of the National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing; and Clay Ceramics Manufacturing (Brick and Clay 610 Review). As part of this review, the EPA will consider and solicit comments on the following factors: the continued need for the rule; the nature of complaints or comments received concerning the rule; the complexity of the rule; the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and the degree to which the technology, economic conditions or other factors have changed in areas affected by the rule.

**DATES:** Comments must be received on or before May 30, 2025.

**ADDRESSES:** You may send comments, identified by Docket ID No. EPA-HQ-OAR-EPA-HQ-OAR-2024-0404, by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov) (our preferred method). Follow the online instructions for submitting comments.

- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of Regulatory Policy and Management Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

- *Hand Delivery or Courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitutional Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

*Instructions:* All submissions received must include the Docket ID No. for this

rulemaking. Comments received may be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Brian Storey, Office of Air and Radiation, Sector Policies and Programs Division (Mail Code D243-04), Environmental Protection Agency, 109 T.W. Alexander Drive, RTP, NC 27711; telephone number: (919) 541-1103; email address: [storey.brian@epa.gov](mailto:storey.brian@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

Section 610 of the Regulatory Flexibility Act requires agencies to review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities (SISNOSE). The EPA undertakes section 610 reviews to decide whether a rule should continue unchanged, be amended, or withdrawn. Small entities are encouraged to provide comments and propose changes to the rule; in particular, how the rule can be made clearer, more effective, or if there are conflicting or overlapping requirements with other Federal or State regulations.

**II. Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing; and Clay Ceramics Manufacturing**

On October 26, 2015, EPA published a final rule to amend the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Brick and Structural Clay Products (BSCP) Manufacturing and Clay Ceramics Manufacturing (40 CFR part 63, subparts JJJJJ and KKKKK respectively) to finalize maximum achievable control technology (MACT) standards for

mercury, non-mercury metal HAP (or particulate matter (PM) as a surrogate), dioxins/furans (Clay Ceramics only), health-based standards for acid gas HAP; and work practice standards, where applicable (see 80 FR 65470). This new entry in the regulatory agenda announces that EPA will review the October 26, 2015 action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine if the provisions that could affect small entities should be maintained or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA will consider and solicit comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. Comments must be received within 60 days of this document. In submitting comments, please reference Docket ID EPA-HQ-OAR-EPA-HQ-OAR-2024-0404 and follow the instructions provided in the instructions provided in the **ADDRESSES** section of this document. The results of EPA's review will be summarized in a report and placed in the rulemaking docket referenced above. This docket can be accessed at [www.regulations.gov](http://www.regulations.gov).

**William Nickerson,**

*Director, Office of Regulatory Policy and Management.*

[FR Doc. 2025-05385 Filed 3-28-25; 8:45 am]

**BILLING CODE 6560-50-P**

# Notices

Federal Register

Vol. 90, No. 60

Monday, March 31, 2025

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

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Puerto Rico Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Puerto Rico Advisory Committee to the Commission will convene by virtual web conference on Wednesday, April 23, 2025, at 3:30 p.m. Atlantic Time/Eastern Time. The purpose is to continue discussion on their project on the civil rights impacts of the Insular Cases in Puerto Rico.

**DATES:** April 23, 2025, Wednesday, at 3:30 p.m. Atlantic Time/Eastern Time.

**ADDRESSES:** Meeting will be held via Zoom.

*Registration Link (Audio/Visual):* <https://tinyurl.com/2uhwtknw>.

*Join by Phone (Audio Only):* 1-833 435 1820 USA Toll Free; Meeting ID: 161 590 3327 #.

**FOR FURTHER INFORMATION CONTACT:** Email Victoria Moreno, Designated Federal Officer at [vmoreno@usccr.gov](mailto:vmoreno@usccr.gov), or by phone at 434-515-0204.

**SUPPLEMENTARY INFORMATION:** This meeting will take place in Spanish with English interpretation. This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls

they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email [ebohor@usccr.gov](mailto:ebohor@usccr.gov) at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Victoria Moreno at [vmoreno@usccr.gov](mailto:vmoreno@usccr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at 1-312-353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Puerto Rico Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at [ebohor@usccr.gov](mailto:ebohor@usccr.gov).

### Agenda

1. Welcome & Roll Call
2. Committee Discussion on Project Regarding the Civil Rights Impacts of the Insular Cases in Puerto Rico
3. Next Steps
4. Public Comment
5. Other Business
6. Adjourn

Dated: March 26, 2025

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2025-05500 Filed 3-28-25; 8:45 am]

**BILLING CODE 6335-01-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; Business Trends and Outlook Survey

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on December 18, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* U.S. Census Bureau, Department of Commerce.

*Title:* Business Trends and Outlook Survey.

*OMB Control Number:* 0607-1022.

*Form Number(s):* This online survey has no form number.

*Type of Request:* Regular submission, Request for a Revision of a Currently Approved Collection.

*Number of Respondents:* 795,000.

*Average Hours per Response:* 10 minutes.

*Burden Hours:* 132,500.

*Needs and Uses:* The mission of the U.S. Census Bureau (Census Bureau) is to serve as the leading source of quality data about the nation's people and economy; to fulfill this mission, it is necessary to innovate to produce more detailed, more frequent, and more timely data products. The Coronavirus pandemic was an impetus for the creation of new data products by the Census Bureau to measure the pandemic's impact on the economy: the Small Business Pulse Survey (SBPS) and the weekly Business Formation Statistics. Policymakers and other federal agency officials, media outlets, and academia commended the Census Bureau's rapid response to their data needs during the largest economic crisis

in recent American history. The Census Bureau capitalized on the successes that underlaid the high frequency data collection and near real time data dissemination engineered for the SBPS by creating the Business Trends and Outlook Survey (BTOS).

BTOS uses ongoing data collection to produce high frequency, timely, and granular information about current economic conditions and trends. BTOS is the only biweekly business tendency survey produced by the federal statistical system, providing unique and detailed data during times of economic or other emergencies. The BTOS target population is all nonfarm employer businesses with receipts of \$1,000 or more in the United States, the District of Columbia, and Puerto Rico.

The current sample consists of approximately 1.2 million businesses split into six panels. Data collection occurs every two weeks, and businesses in each panel are asked to report once every 12 weeks for one year. Current BTOS data are representative of all employer businesses (excluding farms) in the U.S. economy and are published every two weeks. The data are available at the national and state levels, in addition to the 25 most-populous Metropolitan Statistical Areas (MSAs). North American Industry Classification System (NAICS) sector, subsector, and state by sector are also published, as are employment size class, and sector by employment size class data, according to the same timeline.

Data from BTOS is currently used to provide timely data to understand the economic conditions being experienced by businesses; BTOS provides near real time data on key items such as revenue, paid employees, interest rates, and prices. A new sample collection is conducted each year.

BTOS also provides high level information on the changing share of businesses facing difficulties stemming from supply chain issues, interest rate changes, or weather events. Previously, there had been few data sources available to policymakers, media outlets, and academia that delivered near real-time insights into economic trends and outlooks. BTOS data has been used by the Small Business Administration to evaluate the impact of regulatory changes. The use of the BTOS data (or additional requirements) is still being determined by the Economic Development Agency (EDA) to understand the impact of natural disasters on U.S. businesses. The EDA will then guide the Federal Emergency Management Agency (FEMA) and/or policymakers in assisting in economic recovery support missions.

In the approved OMB package for BTOS, the Census Bureau proposed an incremental path to reach the full scope of BTOS. The first scope expansion proposed adding multi-unit businesses (those with more than one location or establishment) to BTOS. BTOS was limited in scope to include only single-unit businesses. Despite comprising a relatively small share of the total number of businesses, multi-unit (MU) businesses are responsible for most of the employment, payroll, and revenue/sales in the United States and contribute disproportionately to economic activity. In addition, MU businesses are on average larger than single-unit businesses. Adding these businesses helped ensure BTOS results are representative of the full economy. The Census Bureau still proposes an incremental path to the final scope of BTOS to learn at each implemented stage and to allow for modifications based on lessons learned or internal/external stakeholder feedback in prior iterations.

For the first year of BTOS, the content remained unchanged at 26 questions. For the second year, the Census Bureau moved to a set of core questions and supplemental content. Core content includes measures of economic activity that are broadly applicable across non-farm sectors and are important across the business cycle and during economic or other emergencies. Core content is also complementary to key items found on other Economic surveys, such as revenues, employees, hours, and inventories. Core items may also include concepts that may become core topics, such as the artificial intelligence questions that started in the second year.

Supplemental content is added to the BTOS instrument as needed and on a periodic basis. It will be designed to provide urgently needed data on an emerging or current issue. The supplement will include a set of questions that performs a deeper dive into a focused topic that requires timely data. On average, the Census Bureau estimates the supplemental questions will impose an additional 10 minutes of burden.

Consideration for core and supplemental concepts will be based on data consistency, how the questions performed on the current BTOS, the results of cognitive testing, stakeholder feedback, and the ability to collect complementary items on monthly, quarterly, annual, or census programs to provide context and benchmarking.

For future changes, the Census Bureau will submit a request to OMB including 30 days of public comment announced

in the **Federal Register** to receive approval to make any substantive revisions to the content or methods of the proposed survey, including incremental scope changes. It is likely that new supplemental content will be chosen for each year, and an updated instrument will be submitted to OMB for review along with a 30-day **Federal Register** Notice.

This submission seeks OMB approval for several requests. First, the Census Bureau is requesting a three-year extension to continue the BTOS data collection operations. In addition, the BTOS survey instrument has been shortened to focus on a concise set of core questions, reducing the core instrument from 26 to 16 questions. After a few years of data collection, the Census Bureau recognizes that certain concepts are more useful than others. Through analysis, the agency identified and retained the most essential concepts. Going forward, the survey will remain adaptable to both the evolving economy and the needs of policy makers. Lastly, the Bureau requests approval to repeat the artificial intelligence (AI) supplement with content changes, once the cognitive testing OMB package is no longer on hold, and cognitive testing is completed. We are submitting with this request the proposed but untested AI supplemental questions. Once cognitive testing is complete, we will submit the final set of AI questions as a non-substantive change.

Based on cognitive testing results, the burden estimate for the core questions is no more than 10 minutes. The sample year 2 AI supplement added an additional 10 minutes of burden. The new AI supplement burden will be determined once cognitive testing is completed.

*Frequency:* Bi-weekly.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* Title 13 U.S.C., sections 131 and 182.

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and

entering either the title of the collection or the OMB Control Number 0607–1022.

**Sheleen Dumas,**

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

[FR Doc. 2025–05461 Filed 3–28–25; 8:45 am]

**BILLING CODE 3510–07–P**

## DEPARTMENT OF COMMERCE

### Census Bureau

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

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on September 22, 2023 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* U.S. Census Bureau, Commerce.

*Title:* Annual Business Survey.

*OMB Control Number:* 0607–1004.

*Form Number(s):* ABS–1.

*Type of Request:* Regular submission, Request for a Revision of a Currently Approved Collection.

*Number of Respondents:* 230,000.

*Average Hours per Response:* 29 minutes.

*Burden Hours:* 112,367.

*Needs and Uses:* In an effort to improve the measurement of business dynamics in the United States, the Census Bureau is conducting the 2025 Annual Business Survey (ABS), covering reference year 2024. The ABS combines Census Bureau firm-level collections to reduce respondent burden, increase data quality, reduce operational costs, and operate more efficiently. The ABS measures research and development for microbusinesses, new business topics such as innovation and technology, as well as other business characteristics. Further, the ABS provides information on selected economic and demographic characteristics for businesses and

business owners by sex, ethnicity, race, and veteran status. The 2025 ABS is co-sponsored by the National Center for Science and Engineering Statistics (NCSES) within the National Science Foundation (NSF) and conducted by the Census Bureau.

Estimates from the Research and Development section of the ABS are used as a part of the calculations for investment in quarterly GDP.

The ABS includes all nonfarm employer businesses filing Internal Revenue Service (IRS) tax forms as individual proprietorships, partnerships, or any other type of corporation, with receipts of \$1,000 or more. While the 2023 ABS sampled approximately 850,000 employer businesses to produce detailed statistics by owner demographics, last survey year 2024 ABS (reference year 2023), the sample was reduced to approximately 330,000 employer businesses and 8,000 nonprofits to reduce the burden on the respondents. For the 2025 ABS, we further reduced the sample to 222,000 employer businesses and 8,000 nonprofits. The reduced sample size will yield summary-level estimates by owner characteristics at the NAICS (North American Industry Classification System) sector level, U.S., state, metropolitan statistical area (MSA), and county levels. The Census Bureau uses administrative data to estimate the probability that a firm belongs in each owner characteristic category. The universe is then stratified by employment size, owner characteristic probability, and NAICS, with additional minor adjustments made to reduce the chance of respondents being selected into the sample every year thereby reducing respondent burden especially for smaller businesses. The sample is stratified by state, industry, and owner characteristics. The Census Bureau selects some companies with certainty based on volume of sales, payroll, and number of paid employees or NAICS. All certainty cases are sure to be selected and represent only themselves.

The 2025 ABS (reference year 2024) will also sample approximately 8,000 nonprofit organizations to collect their research activities. Of note, nonprofit organizations will only see questions relating to research activities and will not be asked any questions relating to owner demographics.

A summary of the changes we are implementing in the 2025 ABS follows:

- Reduce sample size from 338,000 employer businesses and nonprofit organizations to 230,000.
- Introduce sampling changes that decrease the chances of respondents being selected into the survey year after

year. Further, mail out strategy changes to remove chronic nonresponders.

- Remove Telephone Follow-Up to reduce the type of contacts we have with respondents and increase cost savings.

- Streamline content—Content removed includes questions on work from home, sexual orientation, gender identity, business collaboration with other entities like universities, and management practices.

The ABS is designed to be adaptive. New content each survey year can be incorporated based on topics of relevance. Each year, new questions will be submitted to the Office of Management and Budget (OMB) for approval. The ABS consists of a core set of questions that do not change, and a variable set of questions of topical relevance which change annually. The core questions, due to their stable nature, are cleared every three years along with 60- and 30-day notices published in the **Federal Register**. The core questions were last cleared in 2024. The variable topical questions are submitted to the Office of Management and Budget each year along with a 30-day notice.

Employer businesses will be asked questions about the sex, ethnicity, race, and veteran status for up to four persons owning the majority of rights, equity, or interest in the business. Organizations sampled as nonprofits and respondents with 1–9 employees will be asked about research and development (R&D) activities, R&D costs, and R&D capital expenditures. Further, employer businesses sampled will be asked about the following topics: Goods, Services, and Business Processes. These sections are also known as modules. The 2025 ABS (reference year 2024) will not contain any new or variable content. We do plan to add variable content on Management Practices next year to the 2026 ABS (reference year 2025).

The ABS is collected electronically using a web-based questionnaire. Respondents selected for the survey receive an initial letter informing them of their requirement to complete the survey as well as instructions on accessing the survey. The 2025 ABS initial mailing is scheduled for July 2025. Responses will be due approximately 30 days from initial mailing. Respondents will also receive a due date reminder approximately one week before responses are due. The Census Bureau plans to conduct two follow-up mailings and an optional third follow-up if deemed necessary based on quality of response data at that time. The Census Bureau may also plan to conduct an email follow-up to select

nonrespondents reminding them to submit their report in the electronic instrument. Closeout of mail operations is scheduled for December 2025 but may be extended to allow ample time to receive returned forms if necessary. Response data will be processed as they are received. Upon the close of the collection period, data processing will continue, and records will be edited, reviewed, tabulated, and disseminated.

Statistics from the ABS will be used by government program officials, industry organization leaders, economic and social analysts, business entrepreneurs, and domestic and foreign researchers in business, government and academia. Estimates produced on R&D and innovation may be used to compare R&D costs across industries, determine where R&D activity is conducted geographically, and identify the types of businesses with R&D; to contribute to the Bureau of Economic Analysis (BEA) system of national accounts; to increase investments in research and development, strengthen education, and encourage entrepreneurship; and to compare business innovation in the United States to other countries. Results of the research activities data collected from nonprofit organizations will be used to report updated, valid, and reliable estimates of U.S. nonprofit R&D in National Patterns of R&D Resources and BEA's system of national accounts.

The data collected by ABS will also be incorporated into the National Science Board's biennial report, Science and Engineering Indicators (SEI). The R&D data from the nonprofit module will be reported in periodic publications and for comparisons of R&D efforts. NCSSES also anticipates professional associations will use data from the nonprofit module.

Additional examples of data use include:

- The National Women's Business Council to assess the state of women's business ownership for policymakers, researchers, and the public at large.
- Consultants and researchers to analyze long-term economic and demographic shifts, and differences in ownership and performance among geographic areas.
- Individual business owners to analyze their operations in comparison to similar firms, compute their market share, and assess their growth and future prospects.

*Frequency:* Annually.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Title 13, United States Code, sections 8(b), 131, and 182; title 42, United States Code, section 1861–76 (National Science Foundation Act of 1950, as amended); and section

505 within the America COMPETES Reauthorization Act of 2010 authorize this collection. Sections 224 and 225 of title 13, United States Code, require a response from sampled firms.

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0607–1004.

**Sheleen Dumas,**

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

[FR Doc. 2025–05463 Filed 3–28–25; 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; EEO Initial Informal Complaint Contact Sheet Common Form**

**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 new information collection—EEO Initial Informal Complaint Contact Sheet Common Form, 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 May 30, 2025.

**ADDRESSES:** Interested persons are invited to submit written comments by email to [eeo.general.mailbox@census.gov](mailto:eeo.general.mailbox@census.gov). Please reference EEO Initial Informal Complaint Contact Sheet Common Form in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2024–0033, to the Federal e-Rulemaking Portal: <https://www.regulations.gov>. All comments received are part of the public record. No comments will be posted to <https://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 David Donovan, Director, Office of Equal Employment Opportunity (301) 763–2853 or (800) 872–6096, or by email at [eeo.general.mailbox@census.gov](mailto:eeo.general.mailbox@census.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Abstract**

U.S. Census Bureau employees, former employees, and applicants may contact the agency's Office of Equal Employment Opportunity (EEO) if they believe they have been subjected to discrimination based on race, religion, color, sex, pregnant/pregnant workers (limitations related to pregnancy, childbirth or related medical conditions), national origin, age (40 or older), genetic information (including family medical history), disability (mental or physical) or retaliation/reprisal. A Census Bureau EEO staff member responsible for obtaining information regarding the allegation(s) of discrimination will record on the Initial Informal Complaint Contact Sheet (Intake Form) the aggrieved party's (“the aggrieved”) personal information, *i.e.*, name, address, telephone numbers, etc., as well as the basis(es) and allegation(s) raised by the aggrieved. Thereafter, an EEO Counselor will be assigned to review the information on the Intake Form and contact the aggrieved to schedule an initial interview. This interview may include but is not limited to: verifying the information on the Intake Form,

clearly defining the basis(es) and allegation(s), reviewing the rights and responsibilities of the aggrieved and the agency during the EEO complaint process including the right to representation and anonymity, informing the aggrieved of the applicable time frames, and advising the aggrieved of the availability of Alternative Dispute Resolution (ADR) and EEO counseling, and the overall stages of the complaint process.

Title 29 of the United States Code of Federal Regulations (CFR) part 1614, directs agencies to maintain a continuing program to promote equal opportunity and to identify and eliminate discriminatory policies, practices, or procedures. The Census Bureau is thus required to process complaints of employment discrimination from agency employees, former employees, and applicants for employment with the agency who allege discrimination based on their membership in a protected class, such as, race, religion, color, sex, pregnant/pregnant workers (limitations related to pregnancy, childbirth or related medical conditions), national origin, age (40 or older), genetic information (including family medical history), disability (mental or physical) or retaliation/reprisal for engaging in prior protected activity. Federal agencies must offer pre-complaint “informal” counseling and/or Alternative Dispute Resolution (ADR) to these “aggrieved individuals” (the aggrieved), alleging discrimination by officials of the agency. If the complaint is not resolved during the informal process, the Census Bureau must issue the Notice of Right to File within 15 calendar days document to the aggrieved. This information is being collected for the purpose of processing informal complaints of employment discrimination against the agency on the bases of race, religion, color, sex, pregnant/pregnant workers (limitations related to pregnancy, childbirth or related medical conditions), national origin, age (40 or older), genetic information (including family medical history), disability (mental or physical) or retaliation/reprisal. Pursuant to 29 CFR 1614.105, the aggrieved must participate in pre-complaint counseling to try to informally resolve their complaint prior to filing a formal complaint of discrimination. The information captured on the form will be reviewed by the EEO Counselor assigned to process the informal complaint of alleged discrimination within the parameters established in 29 CFR part 1614. The Initial Informal Complaint Contact Sheet (Form BC-

3006(ef)) will be hosted by the Census Bureau as a Common Form.

## II. Method of Collection

Email.

## III. Data

*OMB Control Number:* 0607–XXXX.  
*Form Number(s):* BC–3006(ef).

*Type of Review:* Regular submission, New Information Collection Request.

*Affected Public:* Federal government employees, former employees, and applicants.

*Estimated Number of Respondents:* 1 to 15.

*Estimated Time per Response:* 3 minutes to 30 minutes.

*Estimated Total Annual Burden Hours:* 25.

*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 (The aggrieved individual does not have to fill the form out; they can call the office or send an email to the EEO complaints mailbox). However, responses to the form are needed to collect and review the Complainant’s data to input the information in the Entellitrak (Complaint Tracking System) and for processing.

*Legal Authority:* Title 29 CFR part 1614.

## 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. 2025–05459 Filed 3–28–25; 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; National Survey of Children’s Health

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. Public comments were previously requested via the **Federal Register** on October 23, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* U.S. Census Bureau, Department of Commerce.

*Title:* National Survey of Children’s Health.

*OMB Control Number:* 0607–0990.

*Form Number(s):* NSCH–S1 (English Screener), NSCH–T1 (English Topical for 0- to 5-year-old children), NSCH–T2 (English Topical for 6- to 11-year-old children), NSCH–T3 (English Topical for 12- to 17-year-old children), NSCH–S–S1 (Spanish Screener), NSCH–S–T1 (Spanish Topical for 0- to 5-year-old children), NSCH–S–T2 (Spanish Topical for 6- to 11-year-old children), and NSCH–S–T3 (Spanish Topical for 12- to 17-year-old children).

*Type of Request:* Regular submission, Request for a Revision of a Currently Approved Collection.

*Number of Respondents:* 71,879 for the screener only and 54,824 for the

combined screener and topical, for a total of 126,703 respondents.

*Average Hours per Response:* 5 minutes per screener response and 35–36 minutes per topical response, which in total is approximately 40–41 minutes for households with eligible children.

*Burden Hours:* 42,863.

*Needs and Uses:* The National Survey of Children's Health (NSCH) enables the Maternal and Child Health Bureau (MCHB) of the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services (HHS) along with supplemental sponsoring agencies, states, and other data users to produce national and state-based estimates on the health and well-being of children, their families, and their communities as well as estimates of the prevalence and impact of children with special health care needs.

Data will be collected using one of two modes. The first mode is a web instrument (Centurion) survey that contains the screener and topical instruments. The web instrument first will take the respondent through the screener questions. If the household screens into the study, the respondent will be taken directly into one of the three age-based topical sets of questions. The second mode is a mailout/mailback of a self-administered paper-and-pencil interviewing (PAPI) screener instrument followed by a separate mailout/mailback of a PAPI age-based topical instrument.

The National Survey of Children's Health (NSCH) is a large-scale (sample size is approximately 375,000 addresses) national survey with approximately 73,000 of those addresses included as part of twelve separate state-based or region-based oversamples. As in prior cycles of the NSCH, there remain two key, non-experimental design elements. The first non-experimental design element is the use of an unconditional incentive (\$5) in the initial screener and topical invitations. For the initial screener invitation, 90% of sampled addresses receive the cash incentive; the remaining 10% (the control) do not receive an incentive. This approach is used to consistently monitor the effectiveness of the cash incentive each cycle. The second non-experimental design element is a data collection procedure based on the block group-level paper-only response probability used to identify households (30% of the sample) that would be more likely to respond by paper and send them a paper questionnaire in the initial mailing and every nonresponse follow-up mailing.

The 2025 NSCH will also include a web targeted secondary unconditional screener incentive envelope test that

will be sent to a subset of the sample that started the web questionnaire but did not finish. Prior cycles of the survey have included a \$5 unconditional cash incentive with both the initial screener mailing as well as the initial paper topical mailing as outlined in the paragraph above. The incentive has proven to be a cost-effective intervention for increasing survey response and reducing nonresponse bias. The test will be used to evaluate envelope and delivery method effectiveness (*FedEx vs. Visible Incentive*). Preliminary results of other Demographic household surveys indicate the use of visual incentive envelopes (USPS) also helps to boost response and is less costly than FedEx.

*Affected Public:* Individuals or households.

*Frequency:* The 2025 collection is the tenth administration of the NSCH. It is an annual survey, with a new sample drawn for each administration.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* Census Authority: Title 13, United States Code (U.S.C.), section 8(b) (13 U.S.C. 8(b)).

*HRSA MCHB Authority:* Section 501(a)(2) of the Social Security Act (42 U.S.C. 701).

United States Department of Health and Human Services' Centers for Disease Control and Prevention, National Center on Birth Defects and Developmental Disabilities; Division of Nutrition, Physical Activity, and Obesity; and Division of Environmental Health Science and Practice Authority: Public Health Service Act, Section 301, 42 U.S.C. 241 and 301(a), 307, and 399G of the PHS 42 U.S.C. 241A, 242I, 280e–11, as amended.

*United States Department of Agriculture Authority:* Richard B. Russell National School Lunch Act, 42 U.S.C. 1755 (a)(3).

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and

entering either the title of the collection or the OMB Control Number 0607–0990.

**Sheleen Dumas,**

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

[FR Doc. 2025–05460 Filed 3–28–25; 8:45 am]

**BILLING CODE 3510–07–P**

## DEPARTMENT OF COMMERCE

### Office of the Secretary

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Foreign National Request Form

**AGENCY:** Office of Security, Insider Risk and Continuity, Office of the Secretary, Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), 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 preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before May 30, 2025.

**ADDRESSES:** Interested persons are invited to submit written comments by mail to [PRAComments@doc.gov](mailto:PRAComments@doc.gov). Please reference OMB Control Number 0690–0033 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Mackenzie McGuire, Plans, Programs & Compliance Division, Office of Security, Department of Commerce, 1401 Constitution Ave. NW, Washington, DC 20230, email: [mmcguire1@doc.gov](mailto:mmcguire1@doc.gov) or telephone: 202–615–6702.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The purpose of this collection is to gather information to mitigate variances in foreign access management program

implementation and registration information requirements needed to reach risk-based determinations of physical and logical access by foreign national visitors and guests to Commerce facilities and resources. Due to the increasing diversity of foreign national participation in Departmental programs, considerable efforts have been made to baseline requirements as a means to define uniform program standards as well as to expand current guidance beyond foreign visitor control to manage emerging risks associated with physical and logical access to the Department's facilities and resources. This form has been revised to ensure that it adequately collects all information mandated by the Office of the Director of National Intelligence and aligns with updated guidance from the Office of Personnel Management.

## II. Method of Collection

This information is collected in both paper form and electronically.

## III. Data

*OMB Control Number:* 0690-0033.

*Form Number(s):* 207-12-1.

*Type of Review:* Regular submission. Revision.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 16,000.

*Estimated Time per Response:* 15 minutes.

*Estimated Total Annual Burden Hours:* 4,000.

*Estimated Total Annual Cost to Public:* \$0.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* DDO 20-6 and DAO 207-12.

## IV. Request for Comments

We are soliciting public comments to permit the Agency 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. 2025-05496 Filed 3-28-25; 8:45 am]

**BILLING CODE 3510-17-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-351-865]

#### **Hard Empty Capsules From Brazil: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of hard empty capsules (capsules) from Brazil. The period of investigation is January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable March 31, 2025.

**FOR FURTHER INFORMATION CONTACT:** Samuel Evans, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2420.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On November 20, 2024, Commerce published the notice of initiation of this countervailing duty (CVD) investigation on capsules from Brazil.<sup>1</sup> On January 15, 2025, Commerce postponed the

<sup>1</sup> See *Hard Empty Capsules from Brazil, the People's Republic of China, India, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations*, 89 FR 91680 (November 20, 2024) (*Initiation Notice*).

preliminary determination of this investigation until March 24, 2025.<sup>2</sup> This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act).

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>3</sup> A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### **Scope of the Investigation**

The products covered by this investigation are capsules from Brazil. For a complete description of the scope of this investigation, see Appendix I.

#### **Scope Comments**

In accordance with the *Preamble* to Commerce's regulations,<sup>4</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>5</sup> Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*. For a summary of the scope comments and rebuttal responses submitted for this preliminary determination, and Commerce's accompanying preliminary analysis of all comments timely received, see the Preliminary Scope Decision Memorandum.<sup>6</sup> Commerce is not preliminarily modifying the scope

<sup>2</sup> See *Hard Empty Capsules from Brazil, the People's Republic of China, India, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Countervailing Duty Investigations*, 90 FR 3788 (January 15, 2025).

<sup>3</sup> See Memorandum, "Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Hard Empty Capsules from Brazil," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>4</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>5</sup> See *Initiation Notice*.

<sup>6</sup> See Memorandum, "Less-Than-Fair-Value and Countervailing Duty Investigations of Hard Empty Capsules from Brazil, the People's Republic of China, India, and the Socialist Republic of Vietnam: Scope Comments Decision Memorandum for the Preliminary Determination," dated concurrently with, and hereby adopted by, this notice (Preliminary Scope Decision Memorandum).

language as it appeared in the *Initiation Notice*.

### Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>7</sup>

Commerce notes that, in making these findings, it relied, in part, on facts available and, because it finds that one or more respondents did not act to the best of their ability to respond to Commerce’s requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.<sup>8</sup> For further information, *see* the “Use of Facts Otherwise Available and Adverse Inferences” section in the Preliminary Decision Memorandum.

### Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final CVD determination in this investigation with the final determination in the companion less-than-fair-value (LTFV) investigation of capsules from Brazil based on a request made by the petitioner.<sup>9</sup> Consequently, this final CVD determination will be issued on the same date as the final LTFV determination, which is currently scheduled to be issued no later than August 5, 2025, unless postponed.

### All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act. If the rates established for all exporters and producers individually investigated are zero, *de minimis*, or determined

entirely under facts available, Commerce may use any reasonable method to establish an all-others rate.<sup>10</sup>

Commerce preliminarily calculated an individual estimated countervailable subsidy rate for ACG do Brasil S.A. (ACG Brazil), the only individually examined exporter/producer in this investigation. Because the only individually calculated rate is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average rate calculated for ACG Brazil is the rate assigned to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

### Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

| Company                 | Subsidy rate<br>(percent<br><i>ad valorem</i> ) |
|-------------------------|---|
| ACG do Brasil S.A. .... | 4.94  |
| All Others .....        | 4.94  |

### Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

### Suspension of Liquidation

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation, found in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant

to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

### Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

### Public Comment

All interested parties will have the opportunity to submit scope case and rebuttal briefs on the preliminary decision regarding the scope of the LTFV and CVD investigations. The deadlines to submit scope case and rebuttal briefs are April 14, 2025, and April 21, 2025, respectively. For all scope case and rebuttal briefs, parties must file identical documents simultaneously on the records of all the ongoing LTFV and CVD capsules investigations. No new factual information or business proprietary information may be included in either scope case or rebuttal briefs.

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>11</sup> Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.<sup>12</sup>

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.<sup>13</sup> Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We

<sup>11</sup> See 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

<sup>12</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>13</sup> We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

<sup>7</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>8</sup> See sections 776(a) and (b) of the Act.

<sup>9</sup> See Petitioner’s Letter, “Lonza’s Request to Align Final Antidumping and Countervailing Duty Determinations,” dated March 11, 2025.

<sup>10</sup> See sections 705(c)(5)(A)(i) and (ii) of the Act.

intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>14</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice in the **Federal Register**. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

#### U.S. International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of capsules from Brazil are materially injuring, or threaten material injury to, the U.S. industry.

#### Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: March 24, 2025.

**Christopher Abbott,**

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

#### Appendix I—Scope of the Investigation

The merchandise subject to the scope of this investigation is hard empty capsules, which are comprised of two prefabricated, hollowed cylindrical sections (cap and body). The cap and body pieces each have one

closed and rounded end and one open end, and are constructed with different or equal diameters at their open ends.

Hard empty capsules are unfilled cylindrical shells composed of at least 80 percent by weight of a water soluble polymer that is considered non-toxic and appropriate for human or animal consumption by the United States Pharmacopeia—National Formulary (USP–NF), Food Chemical Codex (FCC), or equivalent standards. The most common polymer materials in capsules are gelatin derived from animal collagen (including, but not limited to, pig, cow, or fish collagen), hydroxypropyl methylcellulose (HPMC), and pullulan.

Hard empty capsules may also contain water and additives, such as opacifiers, colorants, processing aids, controlled release agents, plasticizers, and preservatives. Hard empty capsules may also be imprinted or otherwise decorated with markings.

Hard empty capsules are covered by the scope of this investigation regardless of polymer material, additives, transparency, opacity, color, imprinting, or other markings.

Hard empty capsules are also covered by the scope of this investigation regardless of their size, weight, length, diameter, thickness, and filling capacity.

Cap and body pieces of hard empty capsules are covered by the scope of this investigation regardless of whether they are imported together or separately, and regardless of whether they are imported in attached or detached form.

Hard empty capsules covered by the scope of this investigation are those that disintegrate in water within 2 hours under tests specified in Chapter 701 of the USP–NF, or equivalent disintegration tests.

Hard empty capsules are classifiable under subheadings 9602.00.1040 and 9602.00.5010 of the Harmonized Tariff Schedule of the United States (HTSUS). In addition, hard empty capsules may be imported under HTSUS subheading 1905.90.9090; gelatin hard empty capsules may be imported under HTSUS subheading 3503.00.5510; HPMC hard empty capsules may be imported under HTSUS subheading 3923.90.0080; and pullulan hard empty capsules may be imported under HTSUS subheading 2106.90.9998. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this investigation is dispositive.

#### Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Injury Test
- IV. Diversification of Brazil's Economy
- V. Use of Facts Otherwise Available and Adverse Inferences
- VI. Subsidies Valuation
- VII. Benchmarks to Determine the Adequacy of Remuneration
- VIII. Analysis of Programs
- IX. Recommendation

[FR Doc. 2025–05421 Filed 3–28–25; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–533–935]

#### Hard Empty Capsules From India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of hard empty capsules (capsules) from India. The period of investigation is April 1, 2023, through March 31, 2024. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable March 31, 2025.

**FOR FURTHER INFORMATION CONTACT:** Katie Smith or Gorden Struck, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; (202) 482–0557 or (202) 482–8151, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 20, 2024, Commerce published the notice of initiation of this countervailing duty (CVD) investigation on capsules from India.<sup>1</sup> On January 15, 2025, Commerce postponed the preliminary determination of this investigation until March 24, 2025.<sup>2</sup> This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act).

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>3</sup> A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II in this notice. The Preliminary Decision Memorandum is a public

<sup>1</sup> See *Hard Empty Capsules from Brazil, the People's Republic of China, India, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations*, 89 FR 91680 (November 20, 2024) (*Initiation Notice*).

<sup>2</sup> See *Hard Empty Capsules from Brazil, the People's Republic of China, India, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Countervailing Duty Investigations*, 90 FR 3788 (January 15, 2025).

<sup>3</sup> See Memorandum, “Decision Memorandum for the Preliminary Affirmative Determination of the Countervailing Duty Investigation of Hard Empty Capsules from India,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>14</sup> See *APO and Service Final Rule*.

document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Scope of the Investigation**

The products covered by this investigation are hard empty capsules from India. For a complete description of the scope of this investigation, see Appendix I.

**Scope Comments**

In accordance with the *Preamble* to Commerce’s regulations,<sup>4</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>5</sup> Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*. For a summary of the scope comments and rebuttal responses submitted for this preliminary determination, and Commerce’s accompanying preliminary analysis of all comments timely received, see the Preliminary Scope Decision Memorandum.<sup>6</sup> Commerce is not preliminarily modifying the scope

language as it appeared in the *Initiation Notice*.

**Methodology**

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>7</sup> For a full description of the methodology underlying our preliminary determination, see the Preliminary Decision Memorandum.

**Alignment**

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final CVD determination in this investigation with the final determination in the concurrent less than fair value (LTFV) investigation of capsules from India, based on a request made by the petitioner.<sup>8</sup> Consequently, the final CVD determination will be issued on the same date as the final LTFV determination, which is currently scheduled to be issued no later than August 5, 2025, unless postponed.

**All-Others Rate**

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

Commerce preliminarily calculated an individual estimated countervailable subsidy rate for ACG Associated Capsules Private Limited (ACPL) and its affiliates ACG Pam Pharma Technologies Private Limited (ACG PAM) and ACG Universal Capsules Private Limited (AUCPL) (collectively ACG), the only individually examined exporter/producer in this investigation, which is not zero, *de minimis*, or based entirely on facts otherwise available. The countervailable subsidy rate calculated for ACG is the rate assigned to all-other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

**Preliminary Determination**

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:<sup>9</sup>

| Company  | Subsidy rate<br>(percent <i>ad valorem</i> ) |
|--|--|
| ACG Associated Capsules Private Limited; ACG Pam Pharma Technologies Private Limited; ACG Universal Capsules Private Limited ..... | 9.95   |
| All Others .....   | 9.95   |

**Disclosure**

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will

not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

**Suspension of Liquidation**

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation entered, or

withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

**Verification**

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

**Public Comment**

All interested parties will have the opportunity to submit scope case and

<sup>4</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>5</sup> See *Initiation Notice*.

<sup>6</sup> See Memorandum, “Less-Than-Fair-Value and Countervailing Duty Investigations of Hard Empty Capsules from Brazil, the People’s Republic of China, India, and the Socialist Republic of Vietnam:

Scope Comments Decision Memorandum for the Preliminary Determination,” dated concurrently with, and hereby adopted by, this notice (Preliminary Scope Decision Memorandum).

<sup>7</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>8</sup> See Petitioner’s Letter, “Lonza’s Request to Align Final Antidumping and Countervailing Duty Determinations,” dated March 11, 2025.

<sup>9</sup> As discussed in the Preliminary Decision Memorandum, Commerce preliminarily finds ACPL to be cross-owned with the following companies: (1) ACG PAM; and (2) AUCPL.

rebuttal briefs on the preliminary decision regarding the scope of the LTFV and CVD investigations. The deadlines to submit scope case and rebuttal briefs are April 14, 2025, and April 21, 2025, respectively. For all scope case and rebuttal briefs, parties must file identical documents simultaneously on the records of all the ongoing LTFV and CVD capsules investigations. No new factual information or business proprietary information may be included in either scope case or rebuttal briefs.

Case briefs or other written comments, excluding scope comments, may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>10</sup> Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.<sup>11</sup>

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.<sup>12</sup> Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the

service of documents in 19 CFR 351.303(f).<sup>13</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date. All submissions, including case and rebuttal briefs, as well as hearing requests, should be filed using ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

#### **U.S. International Trade Commission Notification**

In accordance with section 703(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination, whether imports of capsules from India are materially injuring, or threaten material injury to, the U.S. industry.

#### **Notification to Interested Parties**

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: March 24, 2025.

#### **Christopher Abbott,**

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

#### **Appendix I—Scope of the Investigation**

The merchandise subject to the scope of this investigation is hard empty capsules, which are comprised of two prefabricated, hollowed cylindrical sections (cap and body). The cap and body pieces each have one closed and rounded end and one open end, and are constructed with different or equal diameters at their open ends.

Hard empty capsules are unfilled cylindrical shells composed of at least 80 percent by weight of a water soluble polymer that is considered non-toxic and appropriate for human or animal consumption by the United States Pharmacopeia—National Formulary (USP–NF), Food Chemical Codex (FCC), or equivalent standards. The most common polymer materials in hard empty capsules are gelatin derived from animal collagen (including, but not limited to, pig, cow, or fish collagen), hydroxypropyl methylcellulose (HPMC), and pullulan.

Hard empty capsules may also contain water and additives, such as opacifiers, colorants, processing aids, controlled release agents, plasticizers, and preservatives. Hard empty capsules may also be imprinted or otherwise decorated with markings. Hard empty capsules are covered by the scope of this investigation regardless of polymer material, additives, transparency, opacity, color, imprinting, or other markings.

Hard empty capsules are also covered by the scope of this investigation regardless of their size, weight, length, diameter, thickness, and filling capacity.

Cap and body pieces of hard empty capsules are covered by the scope of this investigation regardless of whether they are imported together or separately, and regardless of whether they are imported in attached or detached form.

Hard empty capsules covered by the scope of this investigation are those that disintegrate in water within 2 hours under tests specified in Chapter 701 of the USP–NF, or equivalent disintegration tests.

Hard empty capsules are classifiable under subheadings 9602.00.1040 or 9602.00.5010 of the Harmonized Tariff Schedule of the United States (HTSUS). In addition, hard empty capsules may be imported under HTSUS subheading 1905.90.9090; gelatin hard empty capsules may be imported under HTSUS subheading 3503.00.5510; HPMC hard empty capsules may be imported under HTSUS subheading 3923.90.0080; and pullulan hard empty capsules may be imported under HTSUS subheading 2106.90.9998. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this investigation is dispositive.

#### **Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Injury Test
- IV. Subsidies Valuation
- V. Loan Benchmarks and Interest Rates
- VI. Analysis of Programs
- VII. Recommendation

[FR Doc. 2025–05423 Filed 3–28–25; 8:45 am]

**BILLING CODE 3510–DS–P**

<sup>10</sup> See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

<sup>11</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>12</sup> We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

<sup>13</sup> See *APO and Service Final Rule*.

**DEPARTMENT OF COMMERCE****International Trade Administration**

[C–552–848]

**Hard Empty Capsules From the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of hard empty capsules (capsules) from the Socialist Republic of Vietnam (Vietnam) during the period of investigation (POI), January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable March 31, 2025.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Schueler or Josh Nixon, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–9175 or (202) 482–8361, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On November 20, 2024, Commerce published the notice of initiation of this countervailing duty (CVD) investigation on capsules from Vietnam.<sup>1</sup> On January 15, 2025, Commerce postponed the preliminary determination of this investigation until March 24, 2025.<sup>2</sup> This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act).

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>3</sup> A list of topics

discussed in the Preliminary Decision Memorandum is included as Appendix II of this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Scope of the Investigation**

The products covered by this investigation are capsules from Vietnam. For a complete description of the scope of this investigation, see Appendix I.

**Scope Comments**

In accordance with the *Preamble* to Commerce’s regulations,<sup>4</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>5</sup> Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*. For a summary of the scope comments and rebuttal responses submitted for this preliminary determination, and Commerce’s accompanying preliminary analysis of all comments timely received, see the Preliminary Scope Decision Memorandum.<sup>6</sup> Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice*.

**Methodology**

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>7</sup> For a full description of the methodology underlying our preliminary

determination, see the Preliminary Decision Memorandum.

Commerce notes that, in making these findings, it relied, in part, on facts available.<sup>8</sup> For further information, see the “Use of Facts Otherwise Available” section in the Preliminary Decision Memorandum.

**Alignment**

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final CVD determination in this investigation with the final determination in the companion less-than-fair-value (LTFV) investigation of capsules from Vietnam based on a request made by the petitioner.<sup>9</sup> Consequently, this final CVD determination will be issued on the same date as the final determination for the LTFV investigation, which is currently scheduled to be issued no later than August, 5, 2025, unless postponed.

**All-Others Rate**

Sections 703(d) and 705(c)(5)(A) of the Act provide that, in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any rates that are zero, *de minimis*, or based entirely under section 776 of the Act. If the rates established for all exporters and producers individually investigated are zero, *de minimis*, or determined entirely under facts available, Commerce may use any reasonable method to establish an all-others rate.<sup>10</sup>

Commerce calculated an individual estimated countervailable subsidy rate for Suheung Vietnam Co., Ltd. (Suheung Vietnam), the only individually examined exporter/producer in this investigation. Because the only individually calculated rate is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average rate calculated for Suheung Vietnam is the rate assigned to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

<sup>1</sup> See *Hard Empty Capsules from Brazil, the People’s Republic of China, India, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations*, 89 FR 91680, (November 20, 2024) (*Initiation Notice*).

<sup>2</sup> See *Hard Empty Capsules from Brazil, the People’s Republic of China, India, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Countervailing Duty Investigations*, 90 FR 3788 (January 15, 2025).

<sup>3</sup> See Memorandum, “Decision Memorandum for the Preliminary Affirmative Determination in the Countervailing Duty Investigation of Hard Empty Capsules from the Socialist Republic of Vietnam,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>4</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>5</sup> See *Initiation Notice*, 89 FR at 91680, 91681.

<sup>6</sup> See Memorandum, “Less-Than-Fair-Value and Countervailing Duty Investigations of Hard Empty Capsules from Brazil, the People’s Republic of China, India, and the Socialist Republic of Vietnam: Scope Comments Decision Memorandum for the Preliminary Determination,” dated concurrently with, and hereby adopted by, this notice (Preliminary Scope Decision Memorandum).

<sup>7</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>8</sup> See section 776(a) of the Act.

<sup>9</sup> See Petitioner’s Letter, “Lonza’s Request to Align Final Antidumping and Countervailing Duty Determinations,” dated March 11, 2025.

<sup>10</sup> See sections 705(c)(5)(A)(i) and (ii) of the Act.

### Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

| Producer/exporter            | Subsidy rate (percent <i>ad valorem</i> ) |
|------------------------------|---|
| Suheung Vietnam Co., Ltd ... | 2.15                                      |
| All Others .....             | 2.15                                      |

### Disclosure

Commerce intends to disclose its calculations and analysis performed in connection with this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

### Suspension of Liquidation

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation, found in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

### Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

### Public Comment

All interested parties will have the opportunity to submit scope case and rebuttal briefs on the preliminary decision regarding the scope of the LTFV and CVD investigations. The deadlines to submit scope case and

rebuttal briefs are April 14, 2025, and April 21, 2025, respectively. For all scope case and rebuttal briefs, parties must file identical documents simultaneously on the records of all the ongoing LTFV and CVD capsules investigations. No new factual information or business proprietary information may be included in either scope case or rebuttal briefs.

Case briefs or other written comments, excluding scope comments, may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>11</sup> Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.<sup>12</sup>

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.<sup>13</sup> Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>14</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and

<sup>11</sup> See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

<sup>12</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>13</sup> We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

<sup>14</sup> See *APO and Service Final Rule*.

Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice in the **Federal Register**. Requests should contain (1) the party’s name, address, and telephone number; (2) the number of participants and, whether any participant is a foreign national; and (3) a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

### U.S. International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, Commerce will notify the ITC of its determination. If the final determination is affirmative, the ITC will determine, before the later of 120 days after the date of this preliminary determination or 45 days after the final determination, whether imports of capsules from Vietnam are materially injuring, or threaten material injury to, the U.S. industry.

### Notification to Interested Parties

This determination is issued and published in accordance with sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: March 24, 2025.

**Christopher Abbott**,

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

### Appendix I

#### Scope of the Investigation

The merchandise subject to the scope of this investigation is hard empty capsules, which are comprised of two prefabricated, hollowed cylindrical sections (cap and body). The cap and body pieces each have one closed and rounded end and one open end, and are constructed with different or equal diameters at their open ends.

Hard empty capsules are unfilled cylindrical shells composed of at least 80 percent by weight of a water soluble polymer that is considered non-toxic and appropriate for human or animal consumption by the United States Pharmacopeia—National Formulary (USP–NF), Food Chemical Codex (FCC), or equivalent standards. The most common polymer materials in HECs are gelatin derived from animal collagen (including, but not limited to, pig, cow, or fish collagen), hydroxypropyl methylcellulose (HPMC), and pullulan.

Hard empty capsules may also contain water and additives, such as opacifiers, colorants, processing aids, controlled release agents, plasticizers, and preservatives. Hard

empty capsules may also be imprinted or otherwise decorated with markings.

Hard empty capsules are covered by the scope of these investigations regardless of polymer material, additives, transparency, opacity, color, imprinting, or other markings.

Hard empty capsules are also covered by the scope of these investigations regardless of their size, weight, length, diameter, thickness, and filling capacity.

Cap and body pieces of hard empty capsules are covered by the scope of these investigations regardless of whether they are imported together or separately, and regardless of whether they are imported in attached or detached form.

Hard empty capsules covered by the scope of these investigations are those that disintegrate in water within 2 hours under tests specified in Chapter 701 of the USP–NF, or equivalent disintegration tests.

Hard empty capsules are classifiable under subheadings 9602.00.1040 and 9602.00.5010 of the Harmonized Tariff Schedule of the United States (HTSUS). In addition, hard empty capsules may be imported under HTSUS subheading 1905.90.9090; gelatin hard empty capsules may be imported under HTSUS subheading 3503.00.5510; HPMC hard empty capsules may be imported under HTSUS subheading 3923.90.0080; and pullulan hard empty capsules may be imported under HTSUS subheading 2106.90.9998. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by these investigations is dispositive.

## Appendix II

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Injury Test
- IV. Use of Facts Otherwise Available
- V. Subsidies Valuation
- VI. Benchmarks and Interest Rates
- VII. Analysis of Programs
- VIII. Recommendation

[FR Doc. 2025–05424 Filed 3–28–25; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Foreign-Trade Zones Applications

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), 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 preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before May 30, 2025.

**ADDRESSES:** Interested persons are invited to submit written comments to Juanita Chen, Senior Foreign Trade Zones Analyst, International Trade Administration, by phone (202) 482–1378, or by email to [juanita.chen@trade.gov](mailto:juanita.chen@trade.gov) or [PRA@trade.gov](mailto:PRA@trade.gov). Please reference OMB Control Number 0625–0139 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Juanita Chen, Senior Foreign Trade Zones Analyst, International Trade Administration, by phone (202) 482–1378, or by email to [juanita.chen@trade.gov](mailto:juanita.chen@trade.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Foreign-Trade Zones applications are the vehicle by which individual firms or organizations apply for foreign-trade zone (FTZ) status, for subzone status, production authority, modifications of existing zones, or for waivers. The FTZ Act and Regulations (19 U.S.C. 81b and 81f; 15 CFR 400.21–25, 43(f)) set forth the requirements for applications and other requests to the FTZ Board. The Act and Regulations require that applications for new or modified zones contain information on facilities, financing, operational plans, proposed production operations, need for FTZ authority, and economic impact, where applicable. Any request involving production authority requires specific information on the foreign status components and finished products involved. Applications for production activity can involve issues related to domestic industry and trade policy impact. Such applications must include specific information on the customs-tariff-related savings that result from zone procedures and the economic consequences of permitting such savings. The FTZ Board needs complete and accurate information on the proposed operation and its economic

effects because the Act and Regulations authorize the FTZ Board to restrict or prohibit operations that are detrimental to public interest. The Regulations (15 CFR 400.43(f)) also require specific information for applications requesting waivers by parties impacted by 400.43(d). This information is necessary to assess the likelihood of the proposed activity resulting in a violation of the uniform treatment provisions of the FTZ Act and Regulations.

##### II. Method of Collection

U.S. firms or organizations submit applications by email to the office of Foreign-Trade Zones.

##### III. Data

*OMB Control Number:* 0625–0139.

*Form Number(s):* None.

*Type of Review:* Regular submission, extension of a current information collection.

*Affected Public:* State, Local, or Tribal government, or not-for-profit institutions applying for FTZ status, subzone status, modification of existing zones, production authority, or waivers.

*Estimated Number of Respondents:* 289.

*Estimated Time per Response:* 3.5 to 131.0 hours (dependent on the type of application).

*Estimated Total Annual Burden Hours:* 2,400.

*Estimated Total Annual Cost to Public:* \$133,400.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* The Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u), administered through the FTZ Regulations (15 CFR part 400) and CBP Regulations (19 CFR part 146).

##### 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. 2025-05462 Filed 3-28-25; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-552-846]

#### **Thermoformed Molded Fiber Products From the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, and Alignment of Final Determination With Final Antidumping Duty Determination; Correction**

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

**ACTION:** Notice; correction.

**SUMMARY:** The U.S. Department of Commerce (Commerce) published a notice in the **Federal Register** of March 14, 2025, in which Commerce issued its preliminary determination in the countervailing duty (CVD) investigation of thermoformed molded fiber products (molded fiber products) from the Socialist Republic of Vietnam (Vietnam). This notice corrects Appendix I, also attached herein.

**FOR FURTHER INFORMATION CONTACT:** Thomas Martin, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3936.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

On March 14, 2025, Commerce published in the **Federal Register** its preliminary determination in the CVD investigation of molded fiber products

from Vietnam.<sup>1</sup> We provided an incorrect version of the scope of the investigation in Appendix I. The complete corrected scope of the investigation is attached to this notice as Appendix I.

#### **Correction**

In the **Federal Register** of March 14, 2025, in FR Doc 2025-04094 on page 12128, in the third column, and on page 12129 in the first column, replace Appendix I with the corrected Appendix I attached to this notice.

#### **Notification to Interested Parties**

This notice is issued and published in accordance with sections 702 and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.203(c).

Dated: March 24, 2025.

#### **Christopher Abbott,**

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

#### **Appendix I—Scope of the Investigation**

The merchandise subject to this investigation consists of thermoformed molded fiber products regardless of shape, form, function, fiber source, or finish. Thermoformed molded fiber products are formed with cellulose fibers, thermoformed using one or more heated molds, and dried/cured in the mold.

Thermoformed molded fiber products include, but are not limited to, plates, bowls, clamshells, trays, lids, food or foodservice contact packaging, and consumer or other product packaging.

Thermoformed molded fiber products are relatively dense, with a typical fiber density above 0.5 grams per cubic centimeter, and are generally characterized by relatively smooth surfaces. They may be derived from any virgin or recycled cellulose fiber source (including, but not limited to, those sourced from wood, woody crops, agricultural crops/byproducts/residue, and agricultural/industrial/other waste). They may have any weight, shape, dimensionality, design, or size, and may be bleached, unbleached, dyed, colored, or printed. They may include ingredients, additives, or chemistries to enhance functionality including, but not limited to, anti-microbial, anti-fungal, anti-bacterial, heat/flame resistant, hydrophobic, oleophobic, absorbent, or adsorbent. Thermoformed molded fiber products may also be subject to other processing or treatments, including, but not limited to, hot or after pressing, die-cutting, punching, trimming, padding, perforating, printing,

labeling, dyeing, coloring, coating, laminating, embossing, debossing, repacking, or denesting. Thermoformed molded fiber products subject to this investigation may also have additional design features, including, but not limited to, tab closures, venting, channeling, or stiffening.

Thermoformed molded fiber products remain covered by the scope of this investigation whether the subject product is encased by exterior packaging or whether the subject product forms the outer packaging for non-subject products. They also remain covered by the scope of this investigation whether imported alone, or in any combination of subject and non-subject merchandise (e.g., a lid or cover of any type packaged with a molded fiber bowl, addition of any items to make the thermoformed molded fiber packaging suitable for end-use such as absorbent pads). When thermoformed molded fiber products are imported in combination with non-subject merchandise, only the thermoformed molded fiber products are subject merchandise.

Excluded from the scope of this investigation are thermoformed molded fiber products imported as packaging material that enclose and/or surround non-subject merchandise prepackaged for final sale upon importation into the United States (e.g., molded fiber packaging surrounding a cellular phone).

Thermoformed molded fiber products include thermoformed molded fiber products matching the above description that have been finished, packaged, or otherwise processed in a third country by performing finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the thermoformed molded fiber products. Examples of finishing, packaging, or other processing in a third country that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the thermoformed molded fiber products include, but are not limited to, hot or after pressing, die-cutting, punching, trimming, padding, perforating, printing, labeling, dyeing, coloring, coating, laminating, embossing, debossing, repacking, or denesting.

Thermoformed molded fiber products are classified under subheadings 4823.70.0020 and 4823.70.0040, Harmonized Tariff Schedule of the United States (HTSUS). Imports may also be classified under subheadings 4823.61.0020, 4823.61.0040, 4823.69.0020, 4823.69.0040, 4823.90.1000, HTSUS. References to the HTSUS classification are provided for convenience and customs purposes, and the written description of the merchandise under investigation is dispositive.

[FR Doc. 2025-05418 Filed 3-28-25; 8:45 am]

**BILLING CODE 3510-DS-P**

<sup>1</sup> See *Thermoformed Molded Fiber Products from the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, and Alignment of Final Determination with Final Antidumping Duty Determination*, 90 FR 12126 (March 14, 2025).

**DEPARTMENT OF COMMERCE****International Trade Administration**

[C–570–185]

**Hard Empty Capsules From the People’s Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Antidumping Duty Determination**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of hard empty capsules (capsules) from the People’s Republic of China (China). The period of investigation is January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable March 31, 2025.

**FOR FURTHER INFORMATION CONTACT:** Laura Delgado or John Conniff, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1468 or (202) 482–1009, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On November 20, 2024, Commerce published the notice of initiation of this countervailing duty (CVD) investigation on capsules from China.<sup>1</sup> On January 15, 2025, Commerce postponed the preliminary determination of this investigation until March 24, 2025.<sup>2</sup> This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act).

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>3</sup> A list of topics discussed in the Preliminary Decision

Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Scope of the Investigation**

The products covered by this investigation are capsules from China. For a complete description of the scope of this investigation, see Appendix I.

**Scope Comments**

In accordance with the preamble to Commerce’s regulations,<sup>4</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.*, scope).<sup>5</sup>

Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*. For a summary of the scope comments and rebuttal responses submitted for this preliminary determination, and Commerce’s accompanying preliminary analysis of all comments timely received, see the Preliminary Scope Decision Memorandum.<sup>6</sup> Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice*.

**Methodology**

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>7</sup> For a full description of the methodology underlying our preliminary determination, see Preliminary Decision Memorandum.

Commerce notes that, in making these findings, it relied, in part, on facts available and, because it finds that one or more respondents did not act to the best of their ability to respond to Commerce’s requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.<sup>8</sup> For further information, see the “Use of Facts Otherwise Available and Adverse Inferences” section in the Preliminary Decision Memorandum.

**Alignment**

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final countervailing duty (CVD) determination in this investigation with the final determination in the companion less-than-fair-value investigation of capsules from China based on a request made by the petitioner.<sup>9</sup> Consequently, the final CVD determination will be issued on the same date as the final LTFV determination, which is currently scheduled to be issued no later than August 5, 2025, unless postponed.

**All-Others Rate**

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act. If the rates established for all exporters and producers individually investigated are zero, *de minimis*, or determined entirely under facts available, Commerce may use any reasonable method to establish an all-others rate.<sup>10</sup>

Commerce preliminarily calculated individual estimated countervailable subsidy rates for Jiangsu Lefan Capsule Co., Ltd. (Jiangsu Lefan) and Shanxi JC Biological Co. Ltd. (Shanxi JC) that are not zero, *de minimis*, or based entirely on facts otherwise available. Commerce calculated the all-others rate using a weighted average of the individual estimated subsidy rates calculated for the examined respondents using each

<sup>1</sup> See *Hard Empty Capsules from Brazil, the People’s Republic of China, India, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations*, 89 FR 91680 (November 20, 2024) (*Initiation Notice*).

<sup>2</sup> See *Hard Empty Capsules from Brazil, the People’s Republic of China, India, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Countervailing Duty Investigations*, 90 FR 3788 (January 15, 2025).

<sup>3</sup> See Memorandum, “Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Hard Empty Capsules from the People’s Republic of China,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>4</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>5</sup> See *Initiation Notice*.

<sup>6</sup> See Memorandum, “Less-Than-Fair-Value and Countervailing Duty Investigations of Hard Empty Capsules from Brazil, the People’s Republic of China, India, and the Socialist Republic of Vietnam: Scope Comments Decision Memorandum for the Preliminary Determination,” dated concurrently with, and hereby adopted by, this notice (Preliminary Scope Decision Memorandum).

<sup>7</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>8</sup> See sections 776(a) and (b) of the Act.

<sup>9</sup> See Petitioner’s Letter, “Lonza’s Request to Align Final Antidumping and Countervailing Duty Determinations,” dated March 11, 2025.

<sup>10</sup> See sections 705(c)(5)(A)(i) and (ii) of the Act.

company's publicly-ranged values for the merchandise under consideration.<sup>11</sup>

**Preliminary Determination**

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

| Company  | Subsidy rate<br>(percent <i>ad valorem</i> ) |
|--|--|
| Jiangsu Lefan Capsule Co., Ltd .....           | 3.45   |
| Shanxi JC Biological Technology Co., Ltd ..... | 8.53   |
| All Others .....                               | 6.82   |

**Disclosure**

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

**Suspension of Liquidation**

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

**Verification**

As provided in section 782(i)(1) of the Act, Commerce intends to verify the

<sup>11</sup> With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sale values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all

information relied upon in making its final determination.

**Public Comment**

All interested parties will have the opportunity to submit scope case and rebuttal briefs on the preliminary decision regarding the scope of the LTFV and CVD investigations. The deadlines to submit scope case and rebuttal briefs are April 14, 2025 and April 21, 2025, respectively. For all scope case and rebuttal briefs, parties must file identical documents simultaneously on the records of the ongoing LTFV and CVD capsules investigations. No new factual information or business proprietary information may be included in either scope case or rebuttal briefs.

Case briefs or other written comments, excluding scope comments, may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>12</sup> Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the

other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53662 (September 1, 2010), and accompanying Issues and Decision Memorandum at Comment 1. As complete publicly ranged sales data were available, Commerce based the all-others rate on the publicly ranged sales data of the mandatory respondents. For

beginning of their briefs a public, executive summary for each issue raised in their briefs.<sup>13</sup> Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>14</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

**U.S. International Trade Commission Notification**

In accordance with section 703(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of

a complete analysis of the data, *see* the All-Others Rate Calculation Memorandum.

<sup>12</sup> *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

<sup>13</sup> We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

<sup>14</sup> *See APO and Service Final Rule*.

its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of capsules from China are materially injuring, or threaten material injury to, the U.S. industry.

#### Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: March 24, 2025.

#### Christopher Abbott,

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

#### Appendix I—Scope of the Investigation

The merchandise subject to the scope of this investigation is hard empty capsules, which are comprised of two prefabricated, hollowed cylindrical sections (cap and body). The cap and body pieces each have one closed and rounded end and one open end, and are constructed with different or equal diameters at their open ends.

Hard empty capsules are unfilled cylindrical shells composed of at least 80 percent by weight of a water soluble polymer that is considered non-toxic and appropriate for human or animal consumption by the United States Pharmacopeia—National Formulary (USP–NF), Food Chemical Codex (FCC), or equivalent standards. The most common polymer materials in HECs are gelatin derived from animal collagen (including, but not limited to, pig, cow, or fish collagen), hydroxypropyl methylcellulose (HPMC), and pullulan.

Hard empty capsules may also contain water and additives, such as opacifiers, colorants, processing aids, controlled release agents, plasticizers, and preservatives. Hard empty capsules may also be imprinted or otherwise decorated with markings.

Hard empty capsules are covered by the scope of this investigation regardless of polymer material, additives, transparency, opacity, color, imprinting, or other markings.

Hard empty capsules are also covered by the scope of this investigation regardless of their size, weight, length, diameter, thickness, and filling capacity.

Cap and body pieces of hard empty capsules are covered by the scope of this investigation regardless of whether they are imported together or separately, and regardless of whether they are imported in attached or detached form.

Hard empty capsules covered by the scope of this investigation are those that disintegrate in water within 2 hours under tests specified in Chapter 701 of the USP–NF, or equivalent disintegration tests.

Hard empty capsules are classifiable under subheadings 9602.00.1040 and 9602.00.5010 of the Harmonized Tariff Schedule of the United States (HTSUS). In addition, hard empty capsules may be imported under

HTSUS subheading 1905.90.9090; gelatin hard empty capsules may be imported under HTSUS subheading 3503.00.5510; HPMC hard empty capsules may be imported under HTSUS subheading 3923.90.0080; and pullulan hard empty capsules may be imported under HTSUS subheading 2106.90.9998. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this investigation is dispositive.

#### Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Injury Test
- IV. Analysis of China's Financial System
- V. Diversification of China's Economy
- VI. Use of Facts Otherwise Available and Adverse Inferences
- VII. Subsidies Valuation
- VIII. Benchmarks and Interest Rates
- IX. Analysis of Programs
- X. Recommendation

[FR Doc. 2025–05422 Filed 3–28–25; 8:45 am]

**BILLING CODE 3510–DS–P**

#### DEPARTMENT OF COMMERCE

#### International Trade Administration

[C–570–183]

#### Thermoformed Molded Fiber Products From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination; Correction

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

**ACTION:** Notice; correction.

**SUMMARY:** The U.S. Department of Commerce (Commerce) published a notice in the **Federal Register** of March 14, 2025, in which Commerce issued its preliminary determination in the countervailing duty (CVD) investigation of thermoformed molded fiber products (molded fiber products) from the People's Republic of China (China). This notice corrects Appendix I, also attached herein.

**FOR FURTHER INFORMATION CONTACT:** Allison Hollander, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2805.

**SUPPLEMENTARY INFORMATION:**

#### Background

On March 14, 2025, Commerce published in the **Federal Register** its preliminary determination in the CVD investigation of molded fiber products from China.<sup>1</sup> We provided an incorrect version of the scope of the investigation in Appendix I. The complete corrected scope of the investigation is attached to this notice as Appendix I.

#### Correction

In the **Federal Register** of March 14, 2025, in FR Doc 2025–04093, on page 12125, in the third column, and on page 12126, in the first and second column, replace Appendix I with the corrected Appendix I attached to this notice.

#### Notification to Interested Parties

This notice is issued and published in accordance with sections 702 and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.203(c).

Dated: March 24, 2025.

#### Christopher Abbott,

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

#### Appendix I

#### Scope of the Investigation

The merchandise subject to this investigation consists of thermoformed molded fiber products regardless of shape, form, function, fiber source, or finish. Thermoformed molded fiber products are formed with cellulose fibers, thermoformed using one or more heated molds, and dried/cured in the mold.

Thermoformed molded fiber products include, but are not limited to, plates, bowls, clamshells, trays, lids, food or foodservice contact packaging, and consumer or other product packaging.

Thermoformed molded fiber products are relatively dense, with a typical fiber density above 0.5 grams per cubic centimeter, and are generally characterized by relatively smooth surfaces. They may be derived from any virgin or recycled cellulose fiber source (including, but not limited to, those sourced from wood, woody crops, agricultural crops/byproducts/residue, and agricultural/industrial/other waste). They may have any weight, shape, dimensionality, design, or size, and may be bleached, unbleached, dyed, colored, or printed. They may include ingredients, additives, or chemistries to enhance functionality including, but not limited to, anti-microbial, anti-fungal, anti-bacterial, heat/flame resistant, hydrophobic, oleophobic, absorbent, or adsorbent. Thermoformed molded fiber products may

<sup>1</sup> See *Thermoformed Molded Fiber Products from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 90 FR 12123 (March 14, 2025).

also be subject to other processing or treatments, including, but not limited to, hot or after pressing, die-cutting, punching, trimming, padding, perforating, printing, labeling, dyeing, coloring, coating, laminating, embossing, debossing, repacking, or denesting. Thermoformed molded fiber products subject to this investigation may also have additional design features, including, but not limited to, tab closures, venting, channeling, or stiffening.

Thermoformed molded fiber products remain covered by the scope of this investigation whether the subject product is encased by exterior packaging or whether the subject product forms the outer packaging for non-subject products. They also remain covered by the scope of this investigation whether imported alone, or in any combination of subject and non-subject merchandise (e.g., a lid or cover of any type packaged with a molded fiber bowl, addition of any items to make the thermoformed molded fiber packaging suitable for end-use such as absorbent pads). When thermoformed molded fiber products are imported in combination with non-subject merchandise, only the thermoformed molded fiber products are subject merchandise.

Excluded from the scope of this investigation are thermoformed molded fiber products imported as packaging material that enclose and/or surround non-subject merchandise prepackaged for final sale upon importation into the United States (e.g., molded fiber packaging surrounding a cellular phone).

Thermoformed molded fiber products include thermoformed molded fiber products matching the above description that have been finished, packaged, or otherwise processed in a third country by performing finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the thermoformed molded fiber products. Examples of finishing, packaging, or other processing in a third country that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the thermoformed molded fiber products include, but are not limited to, hot or after pressing, die-cutting, punching, trimming, padding, perforating, printing, labeling, dyeing, coloring, coating, laminating, embossing, debossing, repacking, or denesting.

Thermoformed molded fiber products are classified under subheadings 4823.70.0020 and 4823.70.0040, Harmonized Tariff Schedule of the United States (HTSUS). Imports may also be classified under subheadings 4823.61.0020, 4823.61.0040, 4823.69.0020, 4823.69.0040, 4823.90.1000, HTSUS. References to the HTSUS classification are provided for convenience and customs purposes, and the written description of the merchandise under investigation is dispositive.

[FR Doc. 2025-05417 Filed 3-28-25; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XE711]

#### Marine Mammals; File No. 28727

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Amandine Gamble, Ph.D., Cornell University, 606 Tower Road, Ithaca, New York 14853, has applied in due form for a permit to import, export, and collect pinniped parts for scientific research.

**DATES:** Written comments must be received on or before April 30, 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. 28727 from the list of available applications. These documents are also available upon written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov).

Written comments on this application should be submitted via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include File No. 28727 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](mailto:NMFS.Pr1Comments@noaa.gov). The request should set forth the specific reasons why a hearing on this application would be appropriate.

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

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant requests a 3-year permit to import, export, and collect parts from eight species of non-listed pinnipeds for wildlife health surveillance in Antarctica and Subantarctica. Parts would be collected from live animals under separate authorizations or from naturally deceased pinnipeds under this permit. Parts from up to 510 individuals from each species may be imported, exported, and collected annually, see the application for the total number of animals by species.

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

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

Dated: March 25, 2025.

**Julia M. Harrison**,  
Chief, Permits and Conservation Division,  
Office of Protected Resources, National  
Marine Fisheries Service.

[FR Doc. 2025-05431 Filed 3-28-25; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Using Quick Response Surveys To Understand Public Perception and Response

**AGENCY:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), 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 preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before May 30, 2025.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [NOAA.PRA@noaa.gov](mailto:NOAA.PRA@noaa.gov). Please reference OMB Control Number 0648-0805 in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change.

Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Ji Sun Lee, DOC/NOAA/NWS/OSTI, 1325 East West Highway, Silver Spring, MD 20910, (301) 349-6175, [jisun.lee@noaa.gov](mailto:jisun.lee@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This is a request for revision and extension of an approved information collection.

The proposed collection is sponsored by the National Weather Service (NWS) Office of Science and Technology Integration (OSTI). The collection is permitted under 15 U.S.C. ch. 111, Weather Research and Forecasting Information, that directs NOAA to focus on improving its understanding of how the public receives, interprets, and responds to warnings and forecasts of high impact weather events that endanger life and property. The purpose of the collection is to improve how the NWS communicates risks posed by hazardous weather or water events to the public that are most likely to result in action to mitigate the risk.

Information from this collection will help the agency meet its mission to “provide weather, water and climate data, forecasts, warnings, and impact-based decision support services for the protection of life and property and enhancement of the national economy.”

This collection aims to create an online survey system for collecting data on the public’s perception and response to four different hazards: tornados, thunderstorm winds over 70 miles per hour (mph), flash floods, and winter weather. The online surveys will provide event-based reports on hazardous weather events for National Weather Service Forecast Offices, and be the building blocks for a multi-year, cross-sectional database on human perception and response. The survey system will enable individual National Weather Service Weather Forecast Offices (WFOs) to disseminate Quick Response Surveys (QRS) soon after a hazardous event occurs to collect perishable data on the public’s perceptions and response. WFOs will distribute the QRSs using web links on NWS social media and core partners’ social media or email lists. Surveys will ask the public questions on timing, location, weather information sources, motivations and influences for taking protective action to gain insights into

how NWS warning communications interact with these factors to result in protective action behaviors.

The collection is being revised to remove the Weather and Society Survey. The agency no longer collects information using the Weather and Society Survey.

**II. Method of Collection**

The primary method of data collection will be a web-based survey.

**III. Data**

*OMB Control Number:* 0648-0805.

*Form Number(s):* None.

*Type of Review:* Regular (Extension and revision of a current information collection).

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 90,000.

*Estimated Time per Response:* 10 minutes.

*Estimated Total Annual Burden Hours:* 15,000.

*Estimated Total Annual Cost to Public:* \$0.

*Respondent’s Obligation:* Voluntary.

*Legal Authority:* 15 U.S.C. Ch. 111, Weather Research and Forecasting Information.

**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 information collection request. 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. 2025-05488 Filed 3-28-25; 8:45 am]

**BILLING CODE 3510-KE-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Pacific Islands Protected Species Workshop Participant Registration Form**

**AGENCY:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), 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 preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before May 30, 2025.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [NOAA.PRA@noaa.gov](mailto:NOAA.PRA@noaa.gov). Please reference OMB Control Number 0648-xxxx in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Jason Mehlinger, Fishery Management Specialist, NOAA Fisheries Service, Pacific Islands Region, 1876 Wasp Blvd., Honolulu, HI 96818, [jaosn.mehlinger@noaa.gov](mailto:jaosn.mehlinger@noaa.gov) or (808) 725-5178.

**SUPPLEMENTARY INFORMATION:**

## I. Abstract

This is a request for a new information collection as part of the Hawaii and American Samoa Longline fisheries required protected species workshop certification.

The National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) offers protected species workshops for owners and operators of Hawaii and American Samoa permitted longline vessels. These workshops cover the safe handling, release, and identification of protected species in the Pacific Islands region.

Vessel operators and owners of a vessel registered for use under any longline permit issued under 50 CFR 665.801 must attend and be certified for completion of a workshop conducted by NMFS on interaction mitigation techniques for sea turtles, seabirds and other protected species, per 50 CFR 665.814. The certification is required to maintain or renew vessel registration and must be held on board. The information collected as part of the program is needed to determine the compliance of both vessel owners and operators annually during fishing operations and permit renewals.

The collected information is submitted in person or using a web-based form to the NMFS Pacific Islands Fisheries Science Center (PIFSC). The Hawaii and American Samoa pelagic longline fishers will submit information upon registration for a workshop. Virtual or self-guided training participants will use an electronic form submitted online. The electronic form collects the same information as in-person submissions.

## II. Method of Collection

Respondents will report their requested identifying information using paper or electronic forms. Methods of submittal include submission in-person, digitally using a web-based form, phone, or email.

## III. Data

*OMB Control Number:* 0648-XXXX.

*Form Number(s):* None.

*Type of Review:* Regular review [New information collection].

*Affected Public:* Individuals or households, and small businesses.

*Estimated Number of Respondents:* 375.

*Estimated Time per Response:* From 2 to 5 minutes per individual registration; average 4 minutes per response.

*Estimated Total Annual Burden*

*Hours:* 25.

*Estimated Total Annual Cost to Public:* \$409.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* 50 CFR 665.814.

## 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. 2025-05484 Filed 3-28-25; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Applications and Reporting Requirements for the Incidental Take of Marine Mammals by Specified Activities (Other Than Commercial Fishing Operations) Under the Marine Mammal Protection Act

**AGENCY:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), 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 preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before May 30, 2025.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [NOAA.PRA@noaa.gov](mailto:NOAA.PRA@noaa.gov). Please reference OMB Control Number 0648-0151 in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Craig Cockrell, Biologist, National Marine Fisheries Service, Office of Protected Resources F/PR1, 1315 East West Highway, Silver Spring, MD 20910, (301) 427-8647, or [itp.cockrell@noaa.gov](mailto:itp.cockrell@noaa.gov).

## SUPPLEMENTARY INFORMATION:

### I. Abstract

This request is for an extension of a currently approved information collection, 0648-0151.

The Marine Mammal Protection Act of 1972 (MMPA; 16 U.S.C. 1361 *et seq.*) prohibits the "take" of marine mammals unless otherwise authorized or exempted by law. Among the provisions that allow for lawful take of marine mammals, sections 101(a)(5)(A) and (D) of the MMPA direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing), within a specified geographical region if, after notice and opportunity for public comment, the National Marine Fisheries Service (NMFS) finds that the taking will have a negligible impact on the affected species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where

relevant). NMFS also must set forth the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat (mitigation); and requirements pertaining to the monitoring and reporting of such taking.

Issuance of an incidental take authorization (Authorization) under MMPA section 101(a)(5)(A) (through issuance of a Letter of Authorization following issuance of incidental take regulations) or 101(a)(5)(D) (through issuance of an Incidental Harassment Authorization) requires three sets of information collection: (1) a complete application for an Authorization, as set forth in our implementing regulations at 50 CFR 216.104, which provides the information necessary for us to make the necessary statutory determinations, including estimates of take and an assessment of impacts on the affected species and stocks; (2) information relating to required monitoring; and (3) information related to required reporting. These collections of information enable NMFS to: (1) prospectively evaluate the proposed activity's impact on marine mammals; (2) arrive at the appropriate determinations required by the MMPA and other applicable laws prior to issuing the Authorization; and (3) monitor impacts of activities for which we have issued Authorizations to determine if our predictions regarding impacts on marine mammals remain valid.

NMFS does not propose any changes to the information collection beyond expecting a possible increased number of respondents and responses due to increases in the number of requests for Authorizations.

## II. Method of Collection

Respondents have a choice of submitting either electronic or paper forms. Methods of submittal include email, U.S. mail, overnight delivery service, and/or facsimile transmissions.

## III. Data

*OMB Control Number:* 0648–0151.  
*Form Number(s):* None.

*Type of Review:* Regular submission (renewal of a current information collection).

*Affected Public:* Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal government.

*Estimated Number of Respondents:* 582.

*Estimated Time per Response:* 281 hours for an Incidental Harassment Authorization (IHA) application; 30 hours for an IHA interim report (if

applicable); 140 hours for an IHA draft annual report; 28 hours for an IHA final annual report (if applicable); 1,200 hours for the initial preparation of an application for new incidental take regulations and Letter of Authorization (LOA); 225 hours for an LOA draft annual report; 70 hours for a LOA final annual report (if applicable); 640 hours for a LOA draft comprehensive report; 300 hours for an LOA final comprehensive report (if applicable); 70 hours for an Letter of Authorization (LOA) application under 50 CFR 217.186; 140 hours for a draft annual report required under 50 CFR 217.185(d)(1); and 28 hours for a final annual report (if applicable) under 50 CFR 217.185(d)(1). Response times will vary for the public based upon the complexity of the requested action.

*Estimated Total Annual Burden Hours:* 77,056.

*Estimated Total Annual Cost to Public:* \$629,724 in recordkeeping/reporting costs.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Marine Mammal Protection Act of 1972 (MMPA, 16 U.S.C. 1361 *et seq.*)

## 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 information collection request. 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. 2025–05487 Filed 3–28–25; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XE710]

#### Marine Mammals; File No. 28728

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Sea Shepherd Global (Daniel Villa, Responsible Party), 1217 South 9th Street, Tacoma, WA 98405 has applied in due form for a permit to conduct commercial and educational photography on marine mammals.

**DATES:** Written comments must be received on or before April 30, 2025.

**ADDRESSES:** These documents are available upon written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov).

Written comments on this application should be submitted via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include File No. 28728 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](mailto:NMFS.Pr1Comments@noaa.gov). The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Shasta McClenahan, Ph.D., or Shannon Bent, (301) 427–8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant requests a 5-year permit to film 13 species of non-listed marine mammals in the Southern Ocean and Antarctica to collect footage and images for documentaries and other media. See the application for species, life stages, and numbers of animals by filming platform.

In compliance with the National Environmental Policy Act of 1969 (42

U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

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

Dated: March 25, 2025.

**Julia M. Harrison,**

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

[FR Doc. 2025-05437 Filed 3-28-25; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XE683]

#### Southeast Data, Assessment, and Review (SEDAR); Public Meeting; Correction

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

**ACTION:** Notice; correction.

**SUMMARY:** This notice contains corrections to the notice announcing the SEDAR 101 Data Scoping Webinar for HMS Sandbar Shark published in the **Federal Register** on March 3, 2025.

**DATES:** March 31, 2025.

**FOR FURTHER INFORMATION CONTACT:** Emily Ott, SEDAR Coordinator; (843) 571-4366; email: [Emily.ott@safmc.net](mailto:Emily.ott@safmc.net).

#### SUPPLEMENTARY INFORMATION:

##### Corrections

In the **Federal Register** of March 3, 2025, in FR Doc. 2025-03328, make the following corrections:

1. On page 11044, in the second column, correct the subject heading to read: "Southeast Data, Assessment, and Review (SEDAR); Public Meeting."

2. On page 11044, in the second and third columns, in the **SUPPLEMENTARY INFORMATION** section, the two references to the fishery management councils are corrected to read: "Gulf, South Atlantic, and Caribbean Fishery Management councils."

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

Dated: March 25, 2025.

**Rey Israel Marquez,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2025-05443 Filed 3-26-25; 4:15 pm]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Capital Construction Fund Agreement, Certificate Family of Forms and Deposit/Withdrawal Report

**AGENCY:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), 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 preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before May 30, 2025.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [NOAA.PRA@noaa.gov](mailto:NOAA.PRA@noaa.gov). Please reference OMB Control Number 0648-0041 in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Brian Summers, Loan Specialist, Financial Services Division, 1315 East West Highway, Silver Spring, MD 20910, 301-427-8783, [brian.summers@noaa.gov](mailto:brian.summers@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Abstract

This is a request for renewal of an approved information collection. The Merchant Marine Act of 1936, as amended by Public Law 91-469 and Public Law 99-514, provides for the administration of a Capital Construction Fund (CCF) Program by NOAA's National Marine Fisheries Service (NMFS). The law requires that applicants enter into formal Agreements with the Secretary of Commerce. The Agreement allows the fishermen to defer taxable income from operation of their fishing vessels if the money is placed into an account to fund the construction, reconstruction, or replacement of a fishing vessel. The program requirements are detailed at 50 CFR part 259. The Agreement is a contract between the Secretary of Commerce and the Agreement holder specifying the obligations of each party. Schedule A specifies the vessel which earned the income which is eligible for deposit in to a CCF account. Schedule B specifies the construction, acquisition, or reconstruction objectives planned under the Agreement. The Certificate of Construction/Reconstruction certifies the total cost at completion of Schedule B objectives.

Under a CCF Agreement, the participant cannot deposit more than the amount specified at 46 U.S.C. 53505. NMFS must approve any withdrawals made before they take place. It is essential that a reasonably detailed record be kept of each participant's deposit/withdrawal activity. If withdrawn monies are not used for allowed purposes, the withdrawn amount (a nonqualified withdrawal) is considered income to the participant in the year withdrawn and taxed at the highest marginal tax rate for the entity involved.

Respondents will be commercial fishing industry individuals, partnerships, corporations and limited liability companies which entered into CCF agreements with the Secretary of Commerce. The information collected from applicants for the CCF Agreement (NOAA Form 88-14) is used to determine their eligibility to participate in the CCF Program. The information collected from agreement holders for the Certificate Family of Forms is used to identify their program eligible vessels, their program projects, to certify the cost of a project at completion and to determine the remaining tax basis of the qualified vessel. The information collected on the Deposit/Withdrawal Report (NOAA Form 34-82) is required to ensure that agreement holders are complying with fund deposit/

withdrawal requirements established in program regulations and properly accounting for fund activity on their Federal income tax returns. The information collected on the Deposit/Withdrawal Report must also be reported semi-annually to the Secretary of Treasury in accordance with Public Law 115–97.

## II. Method of Collection

Electronically, and email.

## III. Data

*OMB Control Number:* 0648–0041.

*Form Number(s):* 88–14, 34–82.

*Type of Review:* Regular submission [extension of a current information collection].

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 1,575.

*Estimated Time per Response:* 2 hours.

*Estimated Total Annual Burden Hours:* 2,900.

*Estimated Total Annual Cost to Public:* \$4,000.

*Respondent's Obligation:* Required to Obtain or Retain Benefits.

*Legal Authority:* The Merchant Marine Act of 1936, as amended by Public Law 91–469 and Public Law 99–514.

## 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 information collection request. 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. 2025–05486 Filed 3–28–25; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; West Coast Region Groundfish Trawl Logbook

**AGENCY:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), 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 preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before May 30, 2025.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [NOAA.PRA@noaa.gov](mailto:NOAA.PRA@noaa.gov). Please reference OMB Control Number 0648–0782 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Keeley Kent, National Marine Fisheries Service, (206) 526–4655 or [Keeley.Kent@noaa.gov](mailto:Keeley.Kent@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This request is for a revision and extension of a current information collection.

The success of fisheries management programs depends significantly on the availability of fishery data. As part of this fishery data, the National Marine Fisheries Service (NMFS) requires groundfish fishermen in the trawl and non-trawl fisheries to complete a logbook (see 50 CFR 660.13). The logbook used is a standard format developed by the Pacific Fishery Management Council (Council) to collect information necessary to effectively manage the fishery on a coast-wide basis. The logbook collects haul or set-level effort data including time, location, gear type, target strategy, and estimated pounds of fish caught per set. Each logbook entry represents a single fishing trip.

NMFS contracts with the Pacific States Marine Fisheries Commission (PSMFC) to distribute and collect the logbook data. These data are used regularly by NMFS, the Council, the West Coast Groundfish Observer Program, NMFS Office of Law Enforcement, and the Coast Guard for fisheries management and enforcement.

Previously, the trawl logbook and non-trawl logbook information collections were separate (NMFS temp collection 0648–0804); this revision would merge the non-trawl logbook information collection into the trawl logbook information collection.

## II. Method of Collection

The non-trawl logbook is a fully electronic collection utilizing an application operated by Pacific States Marine Fisheries Commission. The trawl logbook has both paper and electronic options, both administered by Pacific States Marine Fisheries Commission.

## III. Data

*OMB Control Number:* 0648–0782.

*Form Number(s):* None.

*Type of Review:* Regular Submission (revision and extension of a currently approved collection).

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 600.

*Estimated Time per Response:* 1 hour.

*Estimated Total Annual Burden Hours:* 7,000 hours.

*Estimated Total Annual Cost to Public:* \$0.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* The regulations at § 660.13(a) specify reporting requirements for trawl and non-trawl logbooks.

## 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. 2025-05485 Filed 3-28-25; 8:45 am]

**BILLING CODE 3510-22-P**

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## 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:* RP25-737-000.

*Applicants:* Horizon Pipeline Company, L.L.C.

*Description:* Compliance filing: Horizon Penalty Revenue Crediting Report for Year 2024 to be effective N/A.

*Filed Date:* 3/24/25.

*Accession Number:* 20250324-5251.

*Comment Date:* 5 p.m. ET 4/7/25.

*Docket Numbers:* RP25-738-000.

*Applicants:* Natural Gas Pipeline Company of America LLC.

*Description:* § 4(d) Rate Filing: Negotiated Rate Agreements—Various

Shippers March 25 2025 to be effective 4/1/2025.

*Filed Date:* 3/25/25.

*Accession Number:* 20250325-5083.

*Comment Date:* 5 p.m. ET 4/7/25.

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/fercensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community 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](mailto:OPP@ferc.gov).

Dated: March 25, 2025.

**Carlos D. Clay,**

*Deputy Secretary.*

[FR Doc. 2025-05471 Filed 3-28-25; 8:45 am]

**BILLING CODE 6717-01-P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC25-68-000.

*Applicants:* Catalyst Power Parent LLC.

*Description:* Application for Authorization Under Section 203 of the Federal Power Act of Catalyst Power Parent LLC.

*Filed Date:* 3/24/25.

*Accession Number:* 20250324-5320.

*Comment Date:* 5 p.m. ET 4/14/25.

*Docket Numbers:* EC25-69-000.

*Applicants:* Hillcrest Solar I, LLC, Boswell Wind, LLC, Last Mile Transmission LLC, Curtis/Palmer Hydroelectric Company L.P., Caisse de depot et placement du Quebec.

*Description:* Joint Application for Authorization Under Section 203 of the Federal Power Act of Hillcrest Solar I, LLC, et al.

*Filed Date:* 3/24/25.

*Accession Number:* 20250324-5323.

*Comment Date:* 5 p.m. ET 4/14/25.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-1556-010.

*Applicants:* Longview Power, LLC.

*Description:* Response to Triennial Market Power Analysis for Northeast Region of Longview Power, LLC.

*Filed Date:* 3/21/25.

*Accession Number:* 20250321-5255.

*Comment Date:* 5 p.m. ET 4/11/25.

*Docket Numbers:* ER20-681-011.

*Applicants:* Tri-State Generation and Transmission Association, Inc.

*Description:* Supplement to December 31, 2024, Triennial Market Power Analysis for Southwest Region of Tri-State Generation and Transmission Association, Inc.

*Filed Date:* 3/21/25.

*Accession Number:* 20250321-5254.

*Comment Date:* 5 p.m. ET 4/11/25.

*Docket Numbers:* ER25-1348-001.

*Applicants:* New Madrid Solar, LLC.

*Description:* Tariff Amendment: New Madrid Solar, LLC Errata to Application for MBR Authorization (ER25-1348-) to be effective 4/22/2025.

*Filed Date:* 3/24/25.

*Accession Number:* 20250324-5271.

*Comment Date:* 5 p.m. ET 4/14/25.

*Docket Numbers:* ER25-1349-001.

*Applicants:* Sebree Solar, LLC.

*Description:* Tariff Amendment: Sebree Solar, LLC Errata to Application for MBR Authorization (ER25-1349-) to be effective 4/22/2025.

*Filed Date:* 3/24/25.

*Accession Number:* 20250324-5264.

*Comment Date:* 5 p.m. ET 4/14/25.

*Docket Numbers:* ER25-1527-001.

*Applicants:* Knox County Wind Farm LLC.

*Description:* Tariff Amendment: Knox County Wind Farm LLC Errata to Application for MBR Auth. (ER25-1527-) to be effective 5/6/2025.

*Filed Date:* 3/25/25.

*Accession Number:* 20250325-5119.

*Comment Date:* 5 p.m. ET 4/15/25.

*Docket Numbers:* ER25-1744-000.

*Applicants:* Appleaseed Solar, LLC.

*Description:* § 205(d) Rate Filing: Application for Market-Based Rate

Authorization—Appleseed Solar, LLC to be effective 5/24/2025.

*Filed Date:* 3/24/25.

*Accession Number:* 20250324–5282.

*Comment Date:* 5 p.m. ET 4/14/25.

*Docket Numbers:* ER25–1745–000.

*Applicants:* Idaho Power Company.

*Description:* Tariff Amendment:

Cancellation of RS Nos. 164 & 169 and SA Nos. 430, 419, & 420 to be effective 1/1/2023.

*Filed Date:* 3/24/25.

*Accession Number:* 20250324–5284.

*Comment Date:* 5 p.m. ET 4/14/25.

*Docket Numbers:* ER25–1746–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing:

Original GIA, Service Agreement No. 7603; AF2–106 to be effective 2/20/2025.

*Filed Date:* 3/24/25.

*Accession Number:* 20250324–5290.

*Comment Date:* 5 p.m. ET 4/14/25.

*Docket Numbers:* ER25–1747–000.

*Applicants:* Diversion Wind Energy Holdings LLC.

*Description:* Tariff Amendment:

Notice of Cancellation of Market-Based Rate Tariff to be effective 3/31/2025.

*Filed Date:* 3/25/25.

*Accession Number:* 20250325–5000.

*Comment Date:* 5 p.m. ET 4/15/25.

*Docket Numbers:* ER25–1748–000.

*Applicants:* Fairbanks Solar Holdings LLC.

*Description:* Tariff Amendment:

Notice of Cancellation of Market-Based Rate Tariff to be effective 3/31/2025.

*Filed Date:* 3/25/25.

*Accession Number:* 20250325–5001.

*Comment Date:* 5 p.m. ET 4/15/25.

*Docket Numbers:* ER25–1749–000.

*Applicants:* Sierra Pacific Power Company, Nevada Power Company.

*Description:* Compliance filing:

Nevada Power Company submits tariff filing per 35: Compliance Filing Order No. 904 to be effective 3/26/2025.

*Filed Date:* 3/25/25.

*Accession Number:* 20250325–5032.

*Comment Date:* 5 p.m. ET 4/15/25.

*Docket Numbers:* ER25–1750–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment:

Notice of Cancellation of CSA, SA No. 5250; Queue No. AB2–067/AC1–044/AD2–189 to be effective 10/29/2024.

*Filed Date:* 3/25/25.

*Accession Number:* 20250325–5046.

*Comment Date:* 5 p.m. ET 4/15/25.

*Docket Numbers:* ER25–1751–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment:

Notice of Cancellation of CSA, SA No.

5362; Queue No. AB2–099/AE2–346 to be effective 3/4/2025.

*Filed Date:* 3/25/25.

*Accession Number:* 20250325–5056.

*Comment Date:* 5 p.m. ET 4/15/25.

*Docket Numbers:* ER25–1752–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing:

Original GIA Service Agreement No. 7600; Project Identifier No. AF1–207 to be effective 2/23/2025.

*Filed Date:* 3/25/25.

*Accession Number:* 20250325–5099.

*Comment Date:* 5 p.m. ET 4/15/25.

*Docket Numbers:* ER25–1753–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing:

Original GIA Service Agreement No. 7602; Project Identifier No. AF2–078 to be effective 2/24/2025.

*Filed Date:* 3/25/25.

*Accession Number:* 20250325–5108.

*Comment Date:* 5 p.m. ET 4/15/25.

*Docket Numbers:* ER25–1754–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing:

Original NSA, SA No. 7623; Queue No. AE2–181 to be effective 5/25/2025.

*Filed Date:* 3/25/25.

*Accession Number:* 20250325–5120.

*Comment Date:* 5 p.m. ET 4/15/25.

*Docket Numbers:* ER25–1755–000.

*Applicants:* Midcontinent

Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing:

2025–03–25\_SA 4300 Termination of ATC–WPL E&P (J1706) to be effective 3/26/2025.

*Filed Date:* 3/25/25.

*Accession Number:* 20250325–5126.

*Comment Date:* 5 p.m. ET 4/15/25.

*Docket Numbers:* ER25–1756–000.

*Applicants:* Hermes BESS LLC.

*Description:* Initial Rate Filing:

Baseline new to be effective 3/26/2025.

*Filed Date:* 3/25/25.

*Accession Number:* 20250325–5152.

*Comment Date:* 5 p.m. ET 4/15/25.

*Docket Numbers:* ER25–1757–000.

*Applicants:* Tri-State Generation and

Transmission Association, Inc.

*Description:* § 205(d) Rate Filing:

Initial Filing of Service Agreement No. 114 to be effective 3/1/2025.

*Filed Date:* 3/25/25.

*Accession Number:* 20250325–5153.

*Comment Date:* 5 p.m. ET 4/15/25.

Take notice that the Commission received the following public utility holding company filings:

*Docket Numbers:* PH25–6–000.

*Applicants:* LS Power Development, LLC.

*Description:* LS Power Development, LLC submits FERC 65–B Notice of Change in Fact to Waiver Notification.

*Filed Date:* 3/24/25.

*Accession Number:* 20250324–5319.

*Comment Date:* 5 p.m. ET 4/14/25.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

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Dated: March 25, 2025.

**Carlos D. Clay,**

*Deputy Secretary.*

[FR Doc. 2025–05470 Filed 3–28–25; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

#### Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the

Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions

made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding,

unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e) (1) (v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. Each 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. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

| Docket Nos.         | File date | Presenter or requester           |
|---------------------|-----------|----------------------------------|
| <i>Prohibited:</i>  |           |                                  |
| P-2561-000 .....    | 3-19-2025 | FERC Staff. <sup>1</sup>         |
| P-2561-000 .....    | 3-19-2025 | FERC Staff. <sup>2</sup>         |
| P-2561-000 .....    | 3-19-2025 | FERC Staff. <sup>3</sup>         |
| ER25-1357-000 ..... | 3-24-2025 | FERC Staff. <sup>4</sup>         |
| <i>Exempt:</i>      |           |                                  |
| ER25-1445-000 ..... | 3-10-2025 | U.S. Senator Richard Blumenthal. |
| CP24-494-000 .....  | 3-21-2025 | FERC Staff. <sup>5</sup>         |

<sup>1</sup> Emailed communication dated 2/04/25 with Dr. Andrea A. Hunter from the Osage Nation.  
<sup>2</sup> Emailed communication dated 2/07/25 with Emma Diehl from Advisory Council on Historic Preservation.  
<sup>3</sup> Emailed communication dated 2/04/25 with Charles Horton from Missouri State Historic Preservation Office.  
<sup>4</sup> Comments of Clara Summers from Illinois Citizens Utility Board.  
<sup>5</sup> Memorandum of telephone communication on 12/17 and 12/18/2024 with the Louisiana Department of Wildlife and Fisheries.

Dated: March 25, 2025.

**Carlos D. Clay,**  
 Deputy Secretary.

[FR Doc. 2025-05472 Filed 3-28-25; 8:45 am]  
 BILLING CODE 6717-01-P

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Project No. 1904-081]

**Great River Hydro, LLC; Notice of Application for a Non-Capacity Amendment of License Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Application Type:* Non-Capacity Amendment of License.
- b. *Project No:* 1904-081.
- c. *Date Filed:* November 8, 2024.
- d. *Applicant:* Great River Hydro, LLC.
- e. *Name of Project:* Vernon Hydroelectric Project.
- f. *Location:* The project is on the Connecticut River in Windham County, Vermont, and Cheshire County, New Hampshire. The non-capacity amendment application applies to

project lands in Windham County, Vermont. The project does not occupy any Federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Jennifer Griffin, Director, FERC License Compliance, Great River Hydro, LLC, 2 Killeen Street, NH 03609, (603) 966-0477, [jgriffin@greatriverhydro.com](mailto:jgriffin@greatriverhydro.com).

i. *FERC Contact:* Shana High, (202) 502-8674, [shana.high@ferc.gov](mailto:shana.high@ferc.gov).

j. *Cooperating Agencies:* With this notice, the Commission is inviting Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* April 24, 2025.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at

<https://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto: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. The first page of any filing should include the docket number P-1904-081. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission

relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* Great River Hydro, LLC proposes to remove 29.5 acres of land that are not needed for project purposes from the project boundary. The non-capacity amendment application does not propose changes to project operations. A significant portion of the land proposed to be removed from the project boundary has been managed for agricultural use, following use as the project's initial construction material laydown area and worker housing. The agricultural area is separated from a forested area by a small but steeply banked, wooded gorge with a perennial stream flowing to the Connecticut River.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at <https://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <https://www.ferc.gov/docs-filing/subscription.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](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address,

and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. 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](mailto:OPP@ferc.gov).

Dated: March 25, 2025.

**Debbie-Anne A. Reese,**

*Secretary.*

[FR Doc. 2025-05491 Filed 3-28-25; 8:45 am]

BILLING CODE 6717-01-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, April 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](https://www.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 Minutes for March 12, 2025
- Quarterly FCSIC Financial Reports
- Quarterly Report on Insured Obligations
- Quarterly Report on Annual Performance Plan
- Annual Report on Investment Portfolio
- Policy Statement on Investments

### Portions Closed to the Public

- Quarterly Report on Insurance Risk
- Presentation of 2024 Audit Results
- Executive Session of the FCSIC Board Audit Committee with the External Auditor

**Ashley Waldron,**

*Secretary to the Board.*

[FR Doc. 2025-05506 Filed 3-28-25; 8:45 am]

BILLING CODE 6705-01-P

## FEDERAL ELECTION COMMISSION

[Notice 2025-02]

### Filing Dates for the Arizona Special Election in the 7th Congressional District

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of filing dates for Special Election.

**SUMMARY:** Arizona has scheduled special elections on July 15, 2025, and September 23, 2025, to fill the U.S. House of Representatives seat in the 7th Congressional District held by the late Representative Raúl Grijalva.

**DATES:** Committees required to file reports in connection with the Special Primary Election on July 15, 2025, shall file a 12-day Pre-Primary Report. Committees required to file reports in connection with both the Special Primary and Special General on September 23, 2025, shall file a 12-day Pre-Primary, a 12-day Pre-General and a 30-Day Post-General Report.

**ADDRESSES:** 1050 First Street NE, Washington, DC 20463.

**FOR FURTHER INFORMATION CONTACT:** Mr. George J. Smaragdis, Information Division, (202) 694-1100 or (800) 424-9530, [info@fec.gov](mailto:info@fec.gov).

**SUPPLEMENTARY INFORMATION:**

### Principal Campaign Committees

All principal campaign committees of candidates who participate in the Arizona Special Primary and Special General Election shall file a 12-day Pre-

Primary Report on July 3, 2025; a 12-day Pre-General Report on September 11, 2025, and a 30-day Post-General Report on October 23, 2025. (See charts below for the closing date for each report.)

Note that these reports are in addition to the campaign committee's regular quarterly filings. (See charts below for the closing date for each report).

**Unauthorized Committees (PACs and Party Committees)**

Political committees not filing monthly are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the

Arizona Special Primary or Special General Election by the close of books for the applicable report(s). (See charts below for the closing date for each report.)

Committees filing monthly that make contributions or expenditures in connection with the Arizona Special Primary or Special General Election will continue to file according to the monthly reporting schedule.

Additional disclosure information for the Arizona special elections may be found on the FEC website at <https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/>.

**Disclosure of Lobbyist Bundling Activity**

Principal campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special elections must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registant PACs that aggregate in excess of \$23,300 during the special election reporting periods. (See charts below for closing date of each period.) 11 CFR 104.22(a)(5)(v), (b), 110.17(e)(2), (f).

**CALENDAR OF REPORTING DATES FOR ARIZONA SPECIAL ELECTIONS**

| Report   | Close of books <sup>1</sup> | Reg./cert. & overnight mailing deadline | Filing deadline         |
|--|-----------------------------|---|-------------------------|
| Campaign committees involved in only the Special Primary (07/15/2025) must file:   |                             |   |                         |
| Pre-Primary .....  | 06/25/2025                  | 06/30/2025                              | 07/03/2025              |
| July Quarterly .....   | 06/30/2025                  | 07/15/2025                              | 07/15/2025              |
| PACs and party committees not filing monthly involved in <i>only</i> the special primary (07/15/2025) must file:                           |                             |   |                         |
| Pre-Primary .....  | 06/25/2025                  | 06/30/2025                              | 07/03/2025              |
| Mid-Year .....   | 06/30/2025                  | 07/31/2025                              | 07/31/2025              |
| Campaign committees involved in both the Special Primary (07/15/2025) and Special General (09/23/2025) must file:                          |                             |   |                         |
| Pre-Primary .....  | 06/25/2025                  | 06/30/2025                              | 07/03/2025              |
| July Quarterly .....   | 06/30/2025                  | 07/15/2025                              | 07/15/2025              |
| Pre-General .....  | 09/03/2025                  | 09/08/2025                              | 09/11/2025              |
| October Quarterly .....  | .....                       | ----WAIVED----                          | .....                   |
| Post-General .....   | 10/13/2025                  | 10/23/2025                              | 10/23/2025              |
| Year-End .....   | 12/31/2025                  | 01/31/2026                              | <sup>2</sup> 01/31/2026 |
| PACs and party committees not filing monthly involved in both the Special Primary (07/15/2025) and Special General (09/23/2025) must file: |                             |   |                         |
| Pre-Primary .....  | 06/25/2025                  | 06/30/2025                              | 07/03/2025              |
| Mid-Year .....   | 06/30/2025                  | 07/31/2025                              | 07/31/2025              |
| Pre-General .....  | 09/03/2025                  | 09/08/2025                              | 09/11/2025              |
| Post-General .....   | 10/13/2025                  | 10/23/2025                              | 10/23/2025              |
| Year-End .....   | 12/31/2025                  | 01/31/2026                              | <sup>2</sup> 01/31/2026 |
| Campaign committees involved in only the Special General (09/23/2025) must file:   |                             |   |                         |
| Pre-General .....  | 09/03/2025                  | 09/08/2025                              | 09/11/2025              |
| October Quarterly .....  | .....                       | ----WAIVED----                          | .....                   |
| Post-General .....   | 10/13/2025                  | 10/23/2025                              | 10/23/2025              |
| Year-End .....   | 12/31/2025                  | 01/31/2026                              | <sup>2</sup> 01/31/2026 |
| PACs and party committees not filing monthly involved in only the Special General (09/23/2025) must file:                                  |                             |   |                         |
| Pre-General .....  | 09/03/2025                  | 09/08/2025                              | 09/11/2025              |
| Post-General .....   | 10/13/2025                  | 10/23/2025                              | 10/23/2025              |
| Year-End .....   | 12/31/2025                  | 01/31/2026                              | <sup>2</sup> 01/31/2026 |

<sup>1</sup> The reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered as a political committee up through the close of books for the first report due.

<sup>2</sup> Notice that this filing deadline falls on a weekend or federal holiday. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed on paper by methods other than registered, certified or overnight mail must be received before the Commission's close of business on the last business day before the deadline.

Dated: March 20, 2025.  
On behalf of the Commission.

**James E. Trainor,**  
*Acting Chairman, Federal Election Commission.*

[FR Doc. 2025-05420 Filed 3-28-25; 8:45 am]

**BILLING CODE 6715-01-P**

**FEDERAL TRADE COMMISSION**

[Docket No. C-4760]

**Petition of EnCap Investments L.P., et al., To Reopen and Modify Order**

**AGENCY:** Federal Trade Commission.

**ACTION:** Announcement of petition; request for comment.

**SUMMARY:** EnCap Investments L.P. ("EnCap"), EnCap Energy Capital Fund XI, L.P., Verdun Oil Company II LLC ("Verdun"), XCL Resources Holdings, LLC ("XCL"), and EP Energy LLC ("EP Energy") have asked the Federal Trade

Commission (“FTC” or “Commission”) to reopen and set aside the Commission’s Decision and Order entered on September 13, 2022, to remove certain prior approval requirements. Publication of their petition is not intended to affect its legal status or its final disposition.

**DATES:** Comments must be received on or before April 30, 2025.

**ADDRESSES:** Interested parties may file comments online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write: “EnCap et al. Petition to Reopen; Docket No. C–4760” on your comment and file your comment online at [www.regulations.gov](http://www.regulations.gov) by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex P), Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Maribeth Petrizzi (202–326–2564), Bureau of Competition, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(g) of the Federal Trade Commission Act, 15 U.S.C. 46(g), and FTC Rule 2.51, 16 CFR 2.51, notice is hereby given that the above-captioned petition has been filed with the Secretary of the Commission and is being placed on the public record for a period of 30 days. After the period for public comments has expired and no later than 120 days after the date of the filing of the request, the Commission shall determine whether to reopen the proceeding and modify the Order as requested. In making its determination, the Commission will consider, among other information, all timely and responsive comments submitted in connection with this notification.

The public, redacted version of the petition is provided below. Confidential and/or competitively sensitive information has been removed at places where the notation “[redacted text]” appears. An electronic copy of the filed petition and any public exhibits attached to it can be obtained from the FTC website at this URL: <https://www.ftc.gov/legal-library/browse/cases-proceedings/2110158-encapep-energy-matter>.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 30, 2025. Write “EnCap et al. Petition to Reopen; Docket No. C–

4760” on your comment. Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the [www.regulations.gov](http://www.regulations.gov) website.

Because of the agency’s heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the [www.regulations.gov](http://www.regulations.gov) website. If you prefer to file your comment on paper, write “EnCap et al. Petition to Reopen; Docket No. C–4760” on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex P), Washington, DC 20580. If possible, submit your paper comment to the Commission by overnight service.

Because your comment will be placed on the publicly accessible website at [www.regulations.gov](http://www.regulations.gov), you are solely responsible for making sure that your comment does not include any sensitive or confidential information. Your comment should not include any sensitive personal information, such as your or anyone else’s Social Security number; date of birth; driver’s license number or other State identification number; or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any “trade secret or any commercial or financial information which . . . is privileged or confidential”—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your

request in accordance with the law and the public interest. Once your comment has been posted on [www.regulations.gov](http://www.regulations.gov)—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at <https://www.ftc.gov> to read this document and the news release describing this matter. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 30, 2025. For information on the Commission’s privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

*Authority:* 15 U.S.C. 46, 5 U.S.C. 552.

**April J. Tabor,**  
*Secretary.*

**Text of Petition of EnCap Investments L.P., et al., To Reopen and Modify the Decision and Order**

Pursuant to section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b), and section 2.51 of the Federal Trade Commission’s Rules of Practice, 16 CFR 2.51, Respondents EnCap Investments L.P. (“EnCap”), EnCap Energy Capital Fund XI, L.P., Verdun Oil Company II LLC (“Verdun”), XCL Resources Holdings, LLC (“XCL”), and EP Energy LLC (“EP Energy”)<sup>1</sup> (collectively, “Respondents”) respectfully request that the Commission reopen and modify the Decision and Order entered on September 13, 2022 in Docket No. C–4760 (“Order”) to remove the prior approval requirements in Section X.

The Order’s purpose was to prevent the potential elimination of “substantial head-to-head competition between EnCap and [EP Energy]” due to Verdun’s proposed acquisition of EP Energy (the “Acquisition”).<sup>2</sup> See Ex. 1, Complaint ¶ 24; Ex. 2, Decision and Order (“Order”) § XV. That purpose was fulfilled when Respondents divested EP Energy’s Uinta Basin assets to Crescent Energy Company (“Crescent”) on March 30, 2022, resolving any concern that the Acquisition would substantially lessen

<sup>1</sup> EP Energy Corporation has been dissolved. EP Energy LLC is now owned by Verdun.

<sup>2</sup> EnCap Energy Capital Fund XI, L.P. is, and was at the time of the Acquisition, the ultimate parent entity of Verdun Oil Company II, LLC and XCL Resources Holdings, LLC.

competition. See Ex. 3, *Crescent Energy Closes \$690 Million Acquisition of EP Energy Uinta Assets*, Hart Energy (Mar. 30, 2022), <https://www.hartenergy.com/exclusives/crescent-energy-closes-690-million-acquisition-ep-energy-uinta-assets-199505>.

EnCap and XCL have since exited the production of crude oil and natural gas in the Uinta Basin. In October 2024, XCL sold its Uinta Basin crude oil and natural gas assets to SM Energy Company (“SM Energy”) and Northern Oil and Gas, Inc. Ex. 4, Press Release, SM Energy Announces Closing of Uinta Acquisitions—Significantly Expanding Its Top-Tier Portfolio (Oct. 2, 2024); Ex. 5, Press Release, NOG Closes Uinta Basin Acquisition (Oct. 2, 2024). The Respondents no longer operate any oil- or gas-producing assets in the area covered by the Order (the “Relevant Area”).<sup>3</sup> Ex. 7, Declaration of Bryan Stahl in Support of Petition of Respondents EnCap, Verdun, and XCL to Reopen and Modify Decision and Order (“Stahl Decl.”) ¶ 8; see generally Ex. 2, Order § I.DD (“‘Relevant Area’ means the following counties in Utah: Duchesne, Uintah, Utah, Grand, Emery, Carbon, and Wasatch.”). Still, Respondents cannot acquire material interests in the Relevant Area without the Commission’s prior approval.

The Order’s prior approval provision harms competition and should be removed. It impedes investment by Respondents’ knowledgeable, efficient, and conscientious operators who could make the most of the Relevant Area’s natural resources and increase U.S. crude oil and natural gas production. This problem is not hypothetical: Because of the uncertainty and delay associated with prior approval, XCL recently lost a [redacted text], HSR-reportable acquisition. Ex. 6, Barham Decl. ¶¶ 13–15. It also incurred significant costs related to obtaining prior approval to purchase Altamont Energy, LLC (“Altamont”), a small operator with no active drilling rigs at the time of purchase. *Id.* ¶¶ 7–8, 10–11; Ex. 8, Petition for Prior Approval of XCL Resources Holdings, LLC’s Proposed Acquisition of Altamont Energy, LLC, at 4 (“Altamont Prior Approval Petition”).

Prior approval provisions tend to do more harm than good. See Ex. 9, Dissenting Statement of Comm’r Noah Joshua Phillips Regarding the Commission’s Withdrawal of the 1995 Policy Statement Concerning Prior Approval and Prior Notice Provisions in

Merger Cases, at 3–4 (July 21, 2021) (“Dissenting Statement of Phillips”). In 1995, the Commission rejected its policy of routinely requiring prior approval provisions in orders addressing mergers, finding that the HSR Act strikes a better balance between detecting anticompetitive mergers and imposing costs on parties. See Ex. 10, *Notice and Request for Comment Regarding Statement of Policy Concerning Prior Approval and Prior Notice Provisions in Merger Cases*, 60 FR 39745, 39745–46 (Aug. 3, 1995) (“1995 Policy Statement”). Yet, in October 2021, the Commission instituted a blanket policy requiring prior approvals in orders addressing mergers, indicating that they would generally be imposed on both the merging parties and divestiture buyers for a minimum of ten years. Ex. 11, Statement of the Comm’n on Use of Prior Approval Provisions in Merger Orders (Oct. 25, 2021) (“2021 Policy Statement”). It adopted this policy based on the votes of two Democratic Commissioners and a “zombie” vote by a third who had already left the Commission. Ex. 12, Dissenting Statement of Comm’rs Christine S. Wilson and Noah Joshua Phillips Regarding the Statement of the Comm’n on Use of Prior Approval Provisions in Merger Orders (Oct. 29, 2021) (“Dissenting Statement of Wilson and Phillips”). The policy is a needless, punitive, and selectively applied tax on business that harms competition by hindering the transfer of assets to those who can use them most effectively. See *id.* at 1 n.2, 4. Respondents have experienced the negative effects of this bad policy.

The Order’s prior approval provision is set to remain in place until September 2032—nearly eight more years—regardless of changes in the Relevant Area or in hydrocarbon production and consumption. See Ex. 2, Order § XVI. But in just the two and a half years since the Order’s enactment, there have been significant changes within and outside of the Relevant Area. XCL no longer operates assets in the Relevant Area. Uinta Basin waxy crude oil production has increased by roughly 50% to around 170,000 barrels per day,<sup>4</sup> driven in large part by XCL’s expansion activity prior to the sale of its assets. Historically smaller producers in the Relevant Area have grown, and new producers have

entered. Ex. 8, Altamont Prior Approval Petition at 8–10. Increasing the domestic energy supply has become a national priority, and so has reducing regulatory impediments to crude oil and natural gas production: Agency heads have been asked to “review all existing regulations, orders, guidance documents, policies, settlements, consent orders, and any other agency actions . . . to identify those agency actions that impose an undue burden on the identification, development, or use of domestic energy resources,” including crude oil and natural gas. Ex. 13, *Executive Order 14154 of January 20, 2025, Unleashing American Energy*, 90 FR 8353, 8354 (Jan. 29, 2025).

In light of these changed circumstances and harm to the public interest, the Order should be modified to remove the prior approval requirements in Section X.

## I. Background

### A. EP Energy Acquisition

Pursuant to a July 26, 2021 purchase agreement, Verdun agreed to acquire EP Energy in a transaction subject to review under the HSR Act. Stahl Decl. ¶ 4. EP Energy had emerged from bankruptcy less than one year prior. Ex. 14, Shariq Khan & David French, *Buyout firm EnCap Investments agrees \$1.5 bln purchase of EP Energy-sources*, Reuters (Aug. 11, 2021), <https://www.reuters.com/business/energy/buyout-firm-encap-investments-agrees-15-bln-purchase-ep-energy-sources-2021-08-11/>. Following the Acquisition, Verdun intended to operate EP Energy’s Eagle Ford, Texas assets and transfer EP Energy’s Uinta Basin assets to XCL.

The FTC reviewed the Acquisition and asserted that it would “eliminate substantial head-to-head competition . . . for the development, production, and sale of Uinta Basin waxy crude to targeted Salt Lake City area refiners.” Ex. 1, Complaint ¶ 24. Respondents disagreed and believed they had a strong record on which to defend the Acquisition, but after a seven-month investigation, EnCap faced a difficult choice: Accept the FTC’s proposed order with prior approval requirements or lose the opportunity to acquire EP Energy’s Texas assets within the timeframe allowed by the purchase agreement. Ex. 7, Stahl Decl. ¶ 7. Confronted with this ultimatum, Respondents accepted the Order.

### B. Decision and Order

When the Commission published notification of the Order in the **Federal Register**, Ex. 15, *EnCap/EP Energy; Analysis of Agreement Containing*

<sup>3</sup> [redacted text]. Ex. 6, Declaration of Nicholas Barham in Support of Petition of Respondents EnCap, Verdun, and XCL to Reopen and Modify Decision and Order (“Barham Decl.”) ¶ 12.

<sup>4</sup> See *Oil & Gas Well Production Volumes*, Utah Division of Oil Gas and Mining, <https://oilgas.ogm.utah.gov/oilgasweb/live-data-search/lids-prod/prod-lu.xhtml> (last visited Feb. 14, 2025) (Set search criteria to “County Name” and “Report Date,” limit to counties in Relevant Area and years 2022–2024, and calculate percentage increase from September 2022 to September 2024.).

*Consent Orders to Aid Public Comment*, 87 FR 19090 (Apr. 1, 2022) (“FTC Analysis to Aid Public Comment”), it received nearly 30 comments expressing significant concern about the Order’s effect.<sup>5</sup> For example:

- Big West Oil, a Salt Lake City refiner, commented that the prior approval restriction “seems to put XCL in an unfair competitive position with other producers” and “could have a negative impact to healthy, competitive growth and development of Uinta Basin resources which could harm the potential crude supply to Salt Lake Refiners and development opportunities for small producers and non-operating working interest owners in the Uinta Basin.” Ex. 18, Public Comments, Big West Oil Comment (May 2, 2022) to FTC Analysis to Aid Public Comment, <https://www.regulations.gov/comment/FTC-2022-0024-0022>.

- Silver Eagle Refining, another Salt Lake City refiner, commented, “SER is very concerned that overly burdensome oversight by the FTC of XCL could discourage the ongoing investment and development of the Uinta Basin thus threatening SER’s ability to source the necessary yellow wax crude oil we need. The FTC’s proposed actions to oversee XCL may have the opposite effect than intended, rather than protecting SLC refiner’s interests it will lead to reduced investment in the Uinta Basin thus leading to lower crude production driving prices higher.” Ex. 18, Public Comments, Silver Eagle Refining, Inc. Comment (Apr. 25, 2022) to FTC Analysis to Aid Public Comment, <https://www.regulations.gov/comment/FTC-2022-0024-0004>.

- The Duchesne County Commission stated, “When prices drop or Federal regulators provide uncertainty or additional regulatory burdens, energy producers are too quick to relocate their investments to more stable markets. The issuance of the proposed Order will simply exacerbate this problem.” Ex. 18, Public Comments, Duchesne County, Utah Comment (Apr. 29, 2022) to FTC Analysis to Aid Public Comment, <https://www.regulations.gov/comment/FTC-2022-0024-0013> (“Duchesne County Comment”).

Nevertheless, the Commission approved the Order on September 13, 2022.

The Order required Respondents to divest EP Energy’s Uinta Basin assets to Crescent within 10 days of consummating the Acquisition. Ex. 2,

Order § II.A. Respondents complied with that requirement on March 30, 2022. The Order also required Respondents to provide transitional assistance to Crescent for a period of time post-divestiture. *Id.* § IV. As described in the compliance reports submitted pursuant to Section XII of the Order detailing Respondents’ compliance, Respondents promptly fulfilled all of their transitional assistance obligations and have complied with all other requirements of the Order.

The Order still requires EnCap, Verdun, and XCL to obtain the Commission’s approval before consummating certain transactions.<sup>6</sup> *Id.* § X. Specifically, the Order requires prior approval for direct or indirect acquisitions of (1) any interest in any Relevant Area producer “that has produced or sold, on average over the six months prior to the acquisition, more than 2,000 barrels per day of waxy crude in the Relevant Area” or (2) any “ownership or leasehold interest in lands located in the Relevant Area” that would “result[] in an increase (or net increase, in the case of an acreage swap) in Respondent’s land interests in the Relevant Area of more than 1,280 acres.” *Id.* These thresholds are very low. Two thousand barrels per day is only about one percent of the Relevant Area’s current daily production, and 1,280 acres is the size of just one “drilling spacing unit.” Ex. 6, Barham Decl. ¶ 4.

### C. XCL Resources

When it entered the Uinta Basin in 2019, XCL Resources jumpstarted the region’s crude oil and natural gas production. It was the first operator in the area to deploy modern drilling and completion techniques at a reasonable cost. *Id.* ¶¶ 3, 6. To reduce costs, XCL invested in novel resource development strategies, including multi-well pad development, electric completion crews, co-development of multiple formations, and recycling produced water for operations, among other examples. *Id.* ¶¶ 3–6; *see also*, e.g., Ex. 18, Public Comments, Liberty Pioneer Energy Source, Inc. Comment (May 3, 2022) to FTC Analysis to Aid Public Comment, <https://www.regulations.gov/comment/FTC-2022-0024-0025> (acknowledging

XCL’s “cost-effective and often cutting-edge drilling program”) (“Liberty Pioneer Energy Source Comment”). This inspired other operators to do the same, which expanded the productive potential of the entire region—not just XCL’s acreage. *See* Ex. 6, Barham Decl. ¶ 6.

XCL was also instrumental in developing new customers for Uinta Basin crude. Ex. 19, Declaration of Kit Pfeiffer in Support of Petition of Respondents EnCap, Verdun, and XCL to Reopen and Modify Decision and Order (“Pfeiffer Decl.”) ¶¶ 6–7. This required sophisticated and complex supply chain systems that no other producer had ever sustainably developed at scale. *Id.* Expanding the Uinta Basin’s customer base incentivized production. *See*, e.g., Ex. 18, Public Comments, Duchesne County Comment (“The lack of alternative buyers outside the Salt Lake market resulted in Uinta Basin production being capped by Salt Lake demand and depressed pricing. . . . Additional demand therefore supports additional expansion of production in the Uinta Basin.”). Previously, operators could not profitably produce more crude oil than Salt Lake City refineries could process. *See id.*; Ex. 19, Pfeiffer Decl. ¶ 7. But with more outlets for their production as a result of XCL’s efforts, operators produced more.

Combining the technical and commercial talents of its people, XCL was able to increase the production of its assets from 8,000 barrels per day to 60,000 barrels per day in just a few years. *Id.* ¶ 5. This explosive growth led to the employment of hundreds of Utah residents and hundreds of millions in local, Tribal, and State revenues. *See*, e.g., Ex. 18, Public Comments, Star Point Enterprises, Inc. Comment (Apr. 29, 2022) to FTC Analysis to Aid Public Comment, <https://www.regulations.gov/comment/FTC-2022-0024-0009> (commenting that XCL “has been and remains a consistent and reputable addition to the Uintah Basin since 2019 employing an enormous workforce of Utah local employees and subcontractors”).

XCL achieved this growth using low-emission designs. It installed vapor recovery units, built gas pipeline infrastructure, and deployed the first electric hydraulic fracturing fleet in Utah. Ex. 6, Barham Decl. ¶ 5. It also built robust water recycling facilities to nearly eliminate draws on freshwater resources. *Id.* XCL’s total investment in infrastructure alone approached [redacted text]. *Id.* Through these efforts, XCL was one of the lowest-emission operators in the Uinta Basin.

<sup>5</sup> XCL also expressed concerns in its February 15, 2022 and May 23, 2022 letters to Commission staff. Ex. 16, Letter from EnCap and XCL to Commission Staff (Feb. 15, 2022); Ex. 17, Letter from XCL to Commission Staff (May 23, 2022).

<sup>6</sup> The Order also requires Crescent to obtain the Commission’s prior approval before selling, licensing, or conveying the divested assets to any Relevant Area producer. Ex. 2, Order § XI. This reduces the likelihood that the divestiture assets will be maximally productive for the same reasons that the prior approval provision applied to Respondents reduces the likelihood that Relevant Area assets will be maximally productive.

*Id.* ¶ 6; *see also, e.g.*, Ex. 18, Public Comments, Utah Royalty Owners Ass'n Comment (April 25, 2022) to FTC Analysis to Aid Public Comment, <https://www.regulations.gov/comment/FTC-2022-0024-0003> (commenting that "XCL has proven to be one of the most responsible oil & gas producing companies when [it] comes to drilling and completing wells, protecting the environment, using less water and reducing emissions").

By investing approximately [redacted text] into Utah over the past five years, Ex. 6, Barham Decl. ¶ 5, XCL began a development wave that benefitted the entire region. Its efforts led to lower oil prices for its customers and lasting benefits for the Uinta Basin. Without the burden of prior approval, XCL would be better placed to apply its innovative, pro-growth, pro-competition, and pro-consumer methods to opportunities for years to come. *Id.* ¶ 16.

## II. Changed Conditions of Fact Require the Order To Be Modified

The Commission must reopen an order to consider whether it should be modified when a respondent makes a satisfactory showing that changed conditions of law or fact so require. 15 U.S.C. 45(b); 16 CFR 2.51. A showing is satisfactory when respondent identifies "significant changes in circumstances" that "eliminate the need for the order or make continued application of it inequitable or harmful to competition." *In re Entergy Corp.*, Dkt. No. C-3998, Order Reopening and Setting Aside Order, at 3 (F.T.C. July 1, 2005). The Commission may also reopen and modify an order on the independent ground that it is in the public interest. *In re The Stop & Shop Cos.*, Dkt. No. C-3649, Order Reopening and Modifying Order, at 4 (F.T.C. June 20, 1997).

### A. Respondents Have Exited the Relevant Area

When the Order was executed, EnCap and XCL had crude oil and natural gas exploration and production operations in the Relevant Area. XCL sold its operations on October 1, 2024 and, as a result, none of EnCap, XCL, or Verdun operate any oil- or gas-producing assets in the Relevant Area.<sup>7</sup> Ex. 6, Barham Decl. ¶ 12; Ex. 7, Stahl Decl. ¶ 8.

The sale of XCL's assets constitutes a changed circumstance sufficient to support modifying the Order. The Commission has found on numerous occasions that exiting the area covered by an order eliminates the continuing need for the order's requirements. *See,*

*e.g., In re DTE Energy Co.*, Dkt. No. C-4691, Order Reopening and Modifying Order, at 3 (F.T.C. Nov. 23, 2021) (modifying order because respondent no longer had relevant business interests in the area covered by the order); *In re AEA Investors 2006 Fund L.P.*, Dkt. No. C-4297, Order Reopening and Modifying Final Order, at 4 (F.T.C. Apr. 30, 2013) (same); *In re Duke Energy Corp.*, Dkt. No. C-3932, Order Reopening and Modifying Order, at 4 (F.T.C. Sept. 26, 2007) (same); *In re Koninklijke Ahold, N.V.*, Dkt. No. C-4027, Order Reopening and Modifying Order, at 4-5 (F.T.C. July 10, 2007) (same) and Order Reopening and Modifying Order, at 4-5 (F.T.C. July 21, 2006) (same); *In re Entergy Corp.*, Dkt. No. C-3998, Order Reopening and Setting Aside Order, at 3 (F.T.C. July 1, 2005) (same).

The possibility that Respondents might reenter the Relevant Area does not justify continued application of the Order's prior approval provision. Reentry into the Relevant Area would be procompetitive and should be encouraged. Verdun has significant experience in expanding production outside of the Relevant Area. Ex. 20, Verdun Oil Company, <https://verdunoilco.com/company/> (last visited Mar. 4, 2025) (showing production growth from roughly 2,000 barrels of oil equivalent per day to more than 80,000 barrels of oil equivalent per day, a fortyfold increase in approximately seven years). EnCap and XCL have considerable experience in expanding production within the Relevant Area. Prior to the SM Energy acquisition, XCL drilled nearly 200 horizontal wells and invested approximately [redacted text] in its properties in just five years. Ex. 6, Barham Decl. ¶ 3, 5. These efforts grew the production of its assets by more than 500%. *See* Ex. 19, Pfeiffer Decl. ¶ 5. Between 2021 and 2023, XCL drilled approximately 80 more new wells than any other producer in the Relevant Area. Ex. 6, Barham Decl. ¶ 6. Because of XCL's innovative techniques and experience, these wells were more efficient than those drilled by competitors. *See id.* Respondents' reentry into the Basin would benefit consumers. *See, e.g.*, Ex. 18, Public Comments, Liberty Pioneer Energy Source Comment (commenting that the prior approval restriction "hamstring[s] one of the most nimble, forward-thinking, and results driven operators in the basin"); Ex. 18, Public Comments, Rig II, LLC Comment (Apr. 25, 2022) to FTC Analysis to Aid Public Comment, <https://www.regulations.gov/comment/FTC-2022-0024-0005> (describing XCL as

"the most active driller in Utah" and a "good and reputable operator"); Ex. 18, Public Comments, Roger Doxey Comment (May 2, 2022) to FTC Analysis to Aid Public Comment, <https://www.regulations.gov/comment/FTC-2022-0024-0015> ("Without question, the most reliable and productive oil relationship we have had in all of our years in the Uinta Basin, has been the one we have with XCL Resources.") (emphasis in original); Ex. 18, Public Comments, Craig Peterson Comment (Apr. 29, 2022) to FTC Analysis to Aid Public Comment, <https://www.regulations.gov/comment/FTC-2022-0024-0010> ("XCL Resources entered the Uinta Basin in late 2019 after purchasing Axia Energy's assets, and today they are the most active producer (currently running 3 large horizontal rigs."); Ex. 18, Public Comments, Hyrum Winterton Comment (May 3, 2022) to FTC Analysis to Aid Public Comment, <https://www.regulations.gov/comment/FTC-2022-0024-0024> ("AXIA only drilled three wells in three different sections that we had [ ] interests in. XCL has drilled at least 12 in one section and they are planning to drill many more. XCL is the ultimate long-term operator."); Ex. 18, Public Comments, Duchesne County Comment, at 2 ("EnCap's production outperforms its peers with lower per-barrel costs than EP and other peer producers. EnCap is concerned about our air quality issues and is . . . reduc[ing] emissions.").

Speculation that Respondents might engage in future anticompetitive transactions does not justify the Order either. There is no evidence that Respondents have a propensity for harmful deals. And there are no examples of Respondents attempting an anticompetitive transaction. In its submissions to the FTC, Respondents provided substantial evidence that even the EP Energy acquisition would not have led to a reduction in competition. *See, e.g.*, Ex. 21, EnCap White Paper (Jan. 14, 2022) ("White Paper"). There is also no evidence that future Relevant Area transactions below the HSR thresholds are likely to harm competition. In fact, during the review of the EP Energy acquisition, the FTC viewed the largest producers as the only meaningful competitors in the Uinta Basin, *see, e.g.*, Ex. 1, Complaint ¶ 24, suggesting that the acquisition of smaller producers or acreage would be unlikely to raise competitive concerns.

Congress designed the HSR Act to detect anticompetitive mergers, and as the Commission has previously recognized, it has "proven to be an effective means of investigating and

<sup>7</sup> Verdun has never operated oil- or gas-producing assets in the Uinta Basin. Ex. 7, Stahl Decl. ¶ 9.

challenging most anticompetitive transactions before they occur.” Ex. 10, 1995 Policy Statement at 39,745. The Commission should modify the Order and allow the democratically enacted merger review process to work as intended. See *In re Koninklijke Ahold, N.V.*, Dkt. No. C–4027, Order Reopening and Modifying Order, at 4–5 (F.T.C. July 10, 2007) (setting aside a prior approval provision where the respondent exited the relevant markets and an acquisition “of any competitively significant supermarket operation in the relevant markets likely would be reportable under the Hart-Scott-Rodino Act”).

### B. The Relevant Area Has Become More Competitive

Since the Order’s enactment, competition in the Relevant Area has intensified. Waxy crude oil production has increased and competitors have entered and grown. These changes to the competitive landscape undermine the core factual premise of the Order that further concentration of Uinta Basin producers would incentivize them to reduce supply below Salt Lake City refinery demand. See Ex. 1, Complaint ¶ 24. For this reason alone, the Order should be modified. See, e.g., *In re Toys “R” Us Inc.*, Dkt. No. C–9278, Order Reopening and Modifying Order, at 4 (F.T.C. Apr. 11, 2014) (finding that Toys “R” Us’ reduced importance in the marketplace required order modification).

When the Commission was investigating the Acquisition, there were roughly 35 active producers in the Uinta Basin, including XCL. Ex. 21, White Paper at 1. Collectively, they produced an average of less than 100,000 barrels per day of waxy crude oil.<sup>8</sup> The Salt Lake City refineries’ maximum capacity to process it was about 80,000 barrels per day. Ex. 1, Complaint ¶ 21. In that context, the Commission was concerned that the Acquisition might enable producers to raise prices for waxy crude oil by strategically reducing its supply to Salt Lake refiners. Ex. 15, FTC Analysis to Aid Public Comment at 19,091 (“Uinta Basin producers have received higher realized prices when Uinta Basin waxy crude production falls short of demand from Salt Lake refiners.”).

The Salt Lake City refineries’ maximum capacity to process waxy

<sup>8</sup> See *Oil & Gas Well Production Volumes*, Utah Division of Oil Gas and Mining, <https://oilgas.ogm.utah.gov/oilgasweb/live-data-search/lds-prod/prod-lu.xhtml> (last visited Feb. 22, 2025) (Set search criteria to “County Name” and “Report Date,” limit to counties in Relevant Area and August 2021 through March 2022, calculate average daily production.).

crude oil has not materially changed,<sup>9</sup> but Utah producers have expanded production by more than 50% to over 170,000 barrels per day.<sup>10</sup> The Relevant Area’s waxy crude production is now roughly double Salt Lake City refinery demand, and the likelihood that future transactions by Respondents could reduce waxy crude supply below Salt Lake City refinery demand is vanishingly small, particularly for transactions that do not meet the HSR Act’s minimum size thresholds.

Salt Lake City refiners’ access to alternative crude oils has also increased. Around the time the FTC reviewed the Acquisition and entered the Order, Holly Energy Partners’ Frontier Aspen Pipeline and MPLX’s SLC Core Pipeline expanded. Ex. 19, Pfeiffer Decl. ¶ 9. Salt Lake City refiners now have direct pipeline access to the major supply hub of Guernsey, Wyoming, where crude oils from a variety of locations, including Canada, Wyoming, and North Dakota, are available. *Id.*; see also Ex. 25, Kristy Oleszek, *Small WY Town Carries Big Weight in Crude Logistics*, East Daley, <https://www.eastdaley.com/media-and-news/small-wy-town-carries-big-weight-in-crude-logistics> (last visited Feb. 24, 2025). As Respondents explained in their January 14, 2022 white paper to Commission staff, crude oils from outside of the Uinta Basin substitute for, compete with, and price constrain waxy crude oil. Ex. 21, White Paper § II. Therefore, the expanded availability of alternative crude oils in the Salt Lake City area further diminishes the probability that Uinta Basin producers could somehow harm their local customers.

<sup>9</sup> See Ex. 22, U.S. Energy Information Administration (EIA), *Number and Capacity of Petroleum Refineries in Utah*, (June 14, 2024), [https://www.eia.gov/dnav/pet/pet\\_pnp\\_cap1\\_dcu\\_SUT\\_a.htm](https://www.eia.gov/dnav/pet/pet_pnp_cap1_dcu_SUT_a.htm) (catalytic cracking and catalytic hydrocracking capacity in terms of barrels per calendar day increased from 82,490 in 2022 to 84,890 in 2024). Catalytic cracking capacity determines the amount of waxy crude oil the Salt Lake City refineries process because these units are required to turn the waxy crude into consumer fuels. See, e.g., Ex. 23, Utah Department of Environmental Quality, *Petroleum* (Aug. 20, 2021), <https://deq.utah.gov/general/petroleum>; Ex. 24, Housley Carr, *I Believe in Miracles . . . Where’re You From, You Waxy Thing—Uinta Basin’s Waxy Crude Is On A Roll*, RBN Energy LLC: Daily Blog (Feb. 20, 2023), <https://rbnenergy.com/i-believe-in-miracles-where-re-you-from-you-waxy-thing-uinta-basins-waxy-crude-on-a-roll> (explaining that waxy crude oil is “useful to refineries with a high proportion of fluid catalytic cracker (FCC) capacity”).

<sup>10</sup> See *Oil & Gas Well Production Volumes*, Utah Division of Oil Gas and Mining, <https://oilgas.ogm.utah.gov/oilgasweb/live-data-search/lds-prod/prod-lu.xhtml> (last visited Feb. 22, 2025) (Set search criteria to “County Name” and “Report Date,” limit to counties in Relevant Area and years 2022–2024, and calculate percentage increase from September 2022 to September 2024.).

Finally, waxy crude oil producers have continued to enter and expand since the Order became effective. For example, Scout Energy Partners and Wasatch Energy Management, which was formerly a marketing company with no production capabilities, have entered and drilled new wells.<sup>11</sup> Anschutz Corporation has increased its production nearly twentyfold since 2022.<sup>12</sup> And KODA Resources drilled nine wells in 2023 after drilling no wells from 2020 to 2022. Ex. 8, Altamont Prior Approval Petition at 10. More generally, operators have continued to explore geological formations since the Order’s enactment, leading to new development in previously unexplored depths and regions. Ex. 26, Chris Matthews, *Early Innings: Uinta’s Oily Stacked Pay Exploration Only Just Starting*, Hart Energy (Mar. 4, 2025), <https://www.hartenergy.com/exclusives/early-innings-uintas-oily-stacked-pay-exploration-only-just-starting-212175>.

Expanded production, new supply, and new entry in the Relevant Area over the past three years is evidence of healthy competition. Respondents should not be subjected to an inflexible Order that prevents them from fully participating in this ever-changing marketplace for eight more years.

### III. The Public Interest Requires the Order To Be Modified

The public interest independently requires the Order’s modification. Modifying an Order serves the public interest when it would “relieve any impediment to effective competition.” *In re The Stop & Shop Cos.*, Dkt. No. C–3649, Order Reopening and Modifying Order, at 4 (F.T.C. June 20, 1997). Here, the Order’s prior approval provision impedes effective competition by acting as a “gratuitous tax on M&A activity” for only some competitors, stacking the deck against them even with respect to legal and procompetitive transactions. See Ex. 12, Dissenting Statement of Wilson and Phillips at 4. Respondents have concrete examples of this effect. Consistent with its 1995 bipartisan

<sup>11</sup> See *Oil & Gas Well Production Volumes*, Utah Division of Oil Gas and Mining, <https://oilgas.ogm.utah.gov/oilgasweb/live-data-search/lds-prod/prod-lu.xhtml> (last visited Feb. 24, 2025) (Set search criteria to “County Name,” “Operator,” and “Report Date,” limit to counties in Relevant Area, Operator values of “WEM” and “Scout,” and years 2021–2024.).

<sup>12</sup> See *Oil & Gas Well Production Volumes*, Utah Division of Oil Gas and Mining, <https://oilgas.ogm.utah.gov/oilgasweb/live-data-search/lds-prod/prod-lu.xhtml> (last visited Feb. 24, 2025) (Set search criteria to “County Name,” “Operator,” and “Report Date,” limit to counties in Relevant Area, Operator value of “Anschutz,” and years 2021–2024.).

policy statement rejecting prior approval provisions except in rare cases, the Commission should reject the prior approval provision here. *In re Occidental Petroleum Corp.*, Dkt. No. 9205, 120 F.T.C. 944, 945–46 (F.T.C. Nov. 16, 1995) (modifying order to remove prior approval provision because the 1995 policy statement established a “rebuttable presumption that the public interest requires reopening of the order and modification of the prior approval requirement”).

The prior approval process is vague and uncertain. A party must submit an application “fully describ[ing] the terms of the transaction” and “set[ting] forth why [it] merits Commission approval.” 16 CFR 2.41(f). This ambiguous guidance “flips the burden of proof on its head,” placing the onus on the petitioning party to prove that its ordinary business activity is legal under the antitrust laws. *See Ex. 12, Dissenting Statement of Wilson and Phillips at 3.* After submitting an application, a party must wait for the Commission to post the application for public comment, wait for the 30-day public comment period to end, and then wait for the Commission to make a decision. *See* 16 CFR 2.41(f). There is no limit on how long a party must wait. *Id.* If the Commission does not grant prior approval, the transaction is all but dead: The only recourse is to challenge the agency’s decision as arbitrary and capricious, a difficult challenge to win. *See generally Ex. 12, Dissenting Statement of Wilson and Phillips at 3* (“A lengthy investigation can be a death knell for many deals as financing runs out, suppliers and customers hesitate to do business with the merging parties whose futures remain uncertain, and the parties hemorrhage employees in the face of uncertainty.”).

Prior approval subverts the merger review process Congress designed. *See id.* at 7. Under the HSR Act, parties know within 30 days of submitting their HSR filings whether their transaction will be cleared or investigated further. 15 U.S.C. 18a(b)(1)(B). Any further investigation is also time-limited, 15 U.S.C. 18a(e)(2), and the investigating agency must ultimately sue in court to block the transaction, where the agency will bear the burden of proof and the parties can make their case before an impartial judge. *See, e.g., FTC v. Tempur Sealy Int’l, Inc.*, No. 24–cv–02508, 2025 WL 384493, at \*13 (S.D. Tex. Jan. 31, 2025) (“[T]o grant injunctive relief under the Clayton Act, the Court must conclude that the Government has introduced evidence sufficient to show that the challenged transaction is likely to lessen

competition substantially.” (alteration and emphasis in original) (quoting *United States v. AT & T Inc.*, 310 F. Supp. 3d 161, 189 (D.D.C. 2018), *aff’d*, 916 F.3d 1029 (D.C. Cir. 2019))).

The uncertainty associated with prior approval makes transactions less efficient and more expensive, sometimes prohibitively so. Sellers are hesitant to enter a sale process in which a government agency has total discretion over the closing date. *See Ex. 9, Dissenting Statement of Phillips at 3.* A buyer subject to prior approval is either excluded from a sale process altogether or forced to compensate the target company for the increased risk. *Id.*; *see Ex. 6, Barham Decl.* ¶¶ 7–8, 10–11, 14–15. For the same reason, no buyer wants to pay full price for a company with a prior approval requirement it might inherit. *See id.* A company subject to prior approval is hamstrung relative to its competitors, even if it is the best counterparty for an obviously procompetitive transaction. *See id.* Lengthy approval timelines could also lead to lower production if sellers reduce their activity levels between signing and closing.

The Order’s prior approval provision has already disadvantaged EnCap and XCL relative to its rivals. When XCL acquired Altamont, [redacted text]. *Barham Decl.* ¶ 7. XCL then had to [redacted text] during the months-long prior approval process, which would not have been necessary except for the prior approval process. *Id.* ¶ 10.

More recently, the prior approval provision caused EnCap and XCL to lose a [redacted text], HSR-reportable transaction. Despite having exited the Relevant Area, being the highest bid in a marketed process, and spending hundreds of hours and millions of dollars negotiating the transaction, the seller ultimately chose a different buyer because of the uncertainty associated with prior approval. *Id.* ¶¶ 13–14. This opportunity included the [redacted text] in the Relevant Area, and had there been a level playing field, the acreage would have been developed by the most active and experienced operator in the Uinta Basin’s history. *Id.* ¶ 15. The opportunity related to this business will not come again: once land is drilled, it cannot be restored to its original state.

#### **IV. The Commission Has Previously Rejected Prior Approval Provisions as Unduly Burdensome**

In 1995, in light of years of experience with the HSR Act, the Commission ended its policy of routinely requiring prior approval in orders addressing mergers. *Ex. 10, 1995 Policy Statement at 39,745–46.* The Commission

determined that the HSR Act would “adequately protect the public interest in effective merger enforcement, without being unduly burdensome,” and that future orders would only require prior approval for a transaction involving “essentially the same relevant assets that were involved in the challenged transaction.” *Id.* at 39,746.

More than a quarter century later, in July 2021, the Commission abruptly reversed course. It rescinded the 1995 policy with “the minimum notice required by law, virtually no public input, and no analysis or guidance.” *Ex. 9, Dissenting Statement of Phillips at 1.* Two months later, two Democrat Commissioners, with the aid of a “zombie” vote from another Democrat Commissioner who had already left the FTC, implemented a blanket prior approval policy without soliciting public comment. *Ex. 12, Dissenting Statement of Wilson and Phillips at 1, 9* (“The majority’s closed-door process starkly contrasts with the transparency previously employed by the FTC in this area—when a bipartisan Commission issued the 1995 Policy Statement, public comments were invited.”).

The October 2021 prior approval policy does not serve the public interest and should not remain in force. In fact, it achieves none of its stated objectives of preventing “facially anticompetitive” transactions, detecting anticompetitive transactions below the HSR thresholds, or preserving Commission resources. *See Ex. 11, 2021 Policy Statement at 1.*

*Preventing “facially anticompetitive” transactions.* Prior approval provisions are not necessary to prevent “facially anticompetitive” transactions. To the extent any transaction is “facially anticompetitive,” it is likely to be a large transaction subject to HSR reporting requirements. *See Ex. 9, Dissenting Statement of Phillips at 4.* The policy’s real aim is deterrence: “Too many deals that should have died in the boardroom get proposed because merging parties are willing to take the risk that they can ‘get their deal done’ with minimal divestitures. . . . Parties pursuing facially anticompetitive deals should now know that they are at risk of being subject to a prior approval provision.” *See Ex. 11, 2021 Policy Statement at 1; Ex. 12, Dissenting Statement of Wilson and Phillips at 9.* But parties do not pursue transactions that they think will face the risk of undue delay, and they should be permitted to attempt transactions that they believe will be beneficial to their customers and stakeholders. If a transaction results in a divestiture, that is not evidence of bad faith: It is evidence that a portion of the

transaction was very likely procompetitive. *See* Ex. 12, Dissenting Statement of Wilson and Phillips at 6.

*Detecting anticompetitive transactions below the HSR thresholds.* This objective rests on the premise that “merging parties with a history of attempting anticompetitive transactions” are more likely to engage in harmful transactions below HSR thresholds, but the policy provides no support for this premise. *See* Ex. 11, 2021 Policy Statement at 2. Furthermore, the suggestion that prior approvals are only applied to parties with a “history” of attempting anticompetitive transactions is belied by the Commission’s indiscriminating policy of requiring prior approval provisions in all orders addressing mergers. *Id.* at 1. To the extent transactions below HSR thresholds are anticompetitive, the solution is for Congress to lower the thresholds, not to use prior approval provisions to affect an end-run around the HSR Act for select companies. *See* Ex. 27, John Yun, *Going Backwards: The FTC’s New Prior Approval Policy*, Competition Policy Int’l (Mar. 8, 2022).

*Preserving Commission resources.* The concerns that the Commission might have to “re-review[] the same transaction on numerous occasions” or “review[] a similar transaction by one of the merging parties in the same market” are also unpersuasive. Ex. 11, 2021 Policy Statement at 1. In their remarks on the rescission of the 1995 policy, former Chair Khan and Commissioner Chopra cite few examples of the Commission purportedly reviewing the same transaction more than once, revealing that parties rarely attempt “the same transaction on numerous occasions,” and that if they do, “the proposed deals are frequently separated by a decade or two,” during which time competitive conditions might well have changed. Ex. 12, Dissenting Statement of Wilson and Phillips at 8. As for the assertion that all future transactions by “one of the merging parties” in the “same market” are likely to be anticompetitive, the policy statement contains no evidence that this is true. *See* Ex. 11, 2021 Policy Statement at 1. Without more evidence supporting the policy’s claims, it is hard to believe that the justification of “preserving Commission resources” is anything other than a pretext for avoiding the “strictures of the [HSR Act], where the merging parties can force a Commission decision to sue.” *Id.* Using prior approvals for this purpose is an abdication of duty. *See* Ex. 12, Dissenting Statement of Wilson and Phillips at 4 (“God forbid we should do

our job of analyzing deals notified pursuant to the HSR Act.”).

The flimsy justifications offered in the Commission’s 2021 Policy Statement are not good reasons to mandate prior approval in any transaction, particularly where, as here, the factual circumstances have changed and Respondents have suffered tangible harm.

#### V. Request for Confidential Treatment

This petition and its attachments contain commercially and competitively sensitive business information related to Respondents’ businesses and business practices. Public disclosure of this information would prejudice Respondents. It also contains third-party information subject to paywalls. Accordingly, pursuant to sections 2.51(c) and 4.9(c) of the Federal Trade Commission’s Rules of Practice, 16 CFR 2.51(c) & 4.9(c), Respondents request confidential treatment of the confidential version of this petition, including its attachments. The confidential version of this petition should be afforded such confidential treatment under 5 U.S.C. 552(b), including paragraphs (b)(3), (4), and (9); 16 CFR 4.10(a), including paragraphs (a)(2) and (a)(7); 15 U.S.C. 18a(h); 15 U.S.C. 46(f); and 15 U.S.C. 57b–2. If a determination is made that material marked as confidential does not merit confidential treatment, Respondents request prompt notice of and an adequate opportunity to appeal the determination.

#### VI. Conclusion

For the foregoing reasons, the Respondents respectfully request that the Commission reopen and modify the Order to remove the prior approval requirements in Section X.

Dated: March 7, 2025.

Respectfully submitted,  
/s/ Jeremy Calsyn,  
Jeremy Calsyn,  
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20037, 202–974–1522.

Counsel for Respondents.

[FR Doc. 2025–05498 Filed 3–28–25; 8:45 am]

**BILLING CODE 6750–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### National Vaccine Injury Compensation Program; List of Petitions Received

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

**FOR FURTHER INFORMATION CONTACT:** For information about requirements for filing petitions, and the Program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357–6400. For information on HRSA’s role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 8W–25A, Rockville, Maryland 20857; (301) 443–6593, or visit our website at: <http://www.hrsa.gov/vaccinecompensation/index.html>.

**SUPPLEMENTARY INFORMATION:** The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.*, provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition to the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that

may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa-12(b)(2), requires that “[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.” Set forth below is a list of petitions received by HRSA on January 1, 2025, through January 31, 2025. This list provides the name of the petitioner, city, and state of vaccination (if unknown then the city and state of the person or attorney filing the claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master “shall afford all interested persons an opportunity to submit relevant, written information” relating to the following:

1. The existence of evidence “that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,” and
2. Any allegation in a petition that the petitioner either:
  - a. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by” one of the vaccines referred to in the Table, or
  - b. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine” referred to in the Table.

In accordance with section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a

copy to HRSA addressed to Director, Division of Injury Compensation Programs, Health Systems Bureau, 5600 Fishers Lane, 8W-25A, Rockville, Maryland 20857. The Court’s caption (*Petitioner’s Name v. Secretary of HHS*) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

**Thomas J. Engels,**  
*Administrator.*

#### List of Petitions Filed

1. Nicholas Santuccione on behalf of Estate of D. S., Deceased, Schenectady, New York, Court of Federal Claims No: 25-0001V
2. Abigail Schwarz, Dresher, Pennsylvania, Court of Federal Claims No: 25-0002V
3. Linda Maranto, Bel Air, Maryland, Court of Federal Claims No: 25-0004V
4. Arline Browning, Charleston, South Carolina, Court of Federal Claims No: 25-0005V
5. Tammy Weber, Stuart, Florida, Court of Federal Claims No: 25-0006V
6. Jose Luis Ramas, Katy, Texas, Court of Federal Claims No: 25-0008V
7. Joe Miller and Jaszmin Miller on behalf of J.M., Fridley, Minnesota, Court of Federal Claims No: 25-0009V
8. Kristen Bryk, Albany, New York, Court of Federal Claims No: 25-0010V
9. Jesse Pattison, Boston, Massachusetts, Court of Federal Claims No: 25-0011V
10. Ginger Terrill on behalf of Estate of Carol Terrill, Deceased, Jenks, Oklahoma, Court of Federal Claims No: 25-0012V
11. Khoa Nguyen, Shoreline, Washington, Court of Federal Claims No: 25-0014V
12. Carolyn Garofano, Lauderdale-by-the-Sea, Florida, Court of Federal Claims No: 25-0017V
13. Patrick Wells, Clinton Township, Michigan, Court of Federal Claims No: 25-0019V
14. David Klingler, Fremont, Michigan, Court of Federal Claims No: 25-0022V
15. Prentice Lee, Fox Lake, Wisconsin, Court of Federal Claims No: 25-0023V
16. Tamala Berrong on behalf of Estate of Jordan Berrong, Deceased, Los Angeles, California, Court of Federal Claims No: 25-0024V
17. Anne Baugh, Kansas City, Kansas, Court of Federal Claims No: 25-0025V
18. Diana Dillard, Boston, Massachusetts, Court of Federal Claims No: 25-0026V
19. David Inkrote, New York, New York, Court of Federal Claims No: 25-0028V
20. Victoria Donlan, Lincoln, Nebraska, Court of Federal Claims No: 25-0029V
21. Jeremiah McMillon, Jefferson City, Missouri, Court of Federal Claims No: 25-0030V
22. Paul Vincent Eacuello, Lincoln, Rhode Island, Court of Federal Claims No: 25-0031V
23. Nicole Anderson, North Conway, New Hampshire, Court of Federal Claims No: 25-0032V
24. Gary Jansen, Warrenville, Illinois, Court of Federal Claims No: 25-0033V
25. Barry Cohen, New York, New York, Court of Federal Claims No: 25-0037V
26. Teresa Petrovic, Racine, Wisconsin, Court of Federal Claims No: 25-0038V
27. Cecilia Smith, Greenville, South Carolina, Court of Federal Claims No: 25-0039V
28. James Rigdon, Richmond, Kentucky, Court of Federal Claims No: 25-0040V
29. Stephanie Scheele, Boston, Massachusetts, Court of Federal Claims No: 25-0041V
30. Reina Isabel Henisey, Houston, Texas, Court of Federal Claims No: 25-0042V
31. Lacey N. Baker, Rhinelander, Wisconsin, Court of Federal Claims No: 25-0043V
32. Henry Karsen, Homosassa, Florida, Court of Federal Claims No: 25-0044V
33. Carlo Giovannelli, Boca Raton, Florida, Court of Federal Claims No: 25-0045V
34. Heidi Prudente, Hackettstown, New Jersey, Court of Federal Claims No: 25-0046V
35. Roger Barnaby, Corpus Christi, Texas, Court of Federal Claims No: 25-0047V
36. Justin Crosby, Conway, South Carolina, Court of Federal Claims No: 25-0049V
37. William Wood, Denver, Colorado, Court of Federal Claims No: 25-0050V
38. Mark Tapp, San Antonio, Texas, Court of Federal Claims No: 25-0051V
39. Brittany Abramson, Northbrook, Illinois, Court of Federal Claims No: 25-0053V
40. Bobby Ottinger, San Antonio, Texas, Court of Federal Claims No: 25-0057V
41. Teresa Ripley, Henderson, Nevada, Court of Federal Claims No: 25-0060V
42. Santos Diaz, Uvalde, Texas, Court of Federal Claims No: 25-0061V
43. Ryan Whittington, Lake Charles, Louisiana, Court of Federal Claims No: 25-0065V
44. Janyce Majerus on behalf of K. M., Plaquemine, Louisiana, Court of Federal Claims No: 25-0067V
45. Camellia Cunningham on behalf of I. C., Tampa, Florida, Court of Federal Claims No: 25-0068V
46. Elizabeth Andersen, Amery, Wisconsin, Court of Federal Claims No: 25-0069V
47. James A. Taylor, Nutter Fort, West Virginia, Court of Federal Claims No: 25-0072V
48. Ruth A. Gahagen, Pittsburgh, Pennsylvania, Court of Federal Claims No: 25-0073V
49. Joshua Nardie, Alameda, California, Court of Federal Claims No: 25-0074V
50. Jing Ding, Berkely, California, Court of Federal Claims No: 25-0083V
51. Michelle Dennis, Durham, North Carolina, Court of Federal Claims No: 25-0084V
52. Najmeh Khadem, Newport Beach, California, Court of Federal Claims No: 25-0086V
53. Joy E. Cornish Bowden, Tracy, California, Court of Federal Claims No: 25-0098V
54. Yenny Khizhnyak, Bay Shore, New York, Court of Federal Claims No: 25-0099V
55. James D. Cook, Green Bay, Wisconsin, Court of Federal Claims No: 25-0100V
56. Melchizedek Williams, Farmington Hills, Michigan, Court of Federal Claims No:

- 25-0102V
57. Miranda Elizabeth Holder, Honolulu, Hawaii, Court of Federal Claims No: 25-0103V
58. Sandra M. Reynolds, Grass Valley, California, Court of Federal Claims No: 25-0105V
59. Elizabeth Flores, Levittown, Pennsylvania, Court of Federal Claims No: 25-0108V
60. Ellen Lough, Havre de Grace, Maryland, Court of Federal Claims No: 25-0109V
61. Lisa D. Holmes, Charlotte, North Carolina, Court of Federal Claims No: 25-0110V
62. Tracy Lieser, Minneapolis, Minnesota, Court of Federal Claims No: 25-0113V
63. Felicia Pierre, Hartsville, South Carolina, Court of Federal Claims No: 25-0114V
64. Stacy Elliott, Long Beach, California, Court of Federal Claims No: 25-0116V
65. Jennifer Larimore, Wexford, Pennsylvania, Court of Federal Claims No: 25-0120V
66. James Behn, Summit, Wisconsin, Court of Federal Claims No: 25-0124V
67. Patricia Bader, Mullica Hill, New Jersey, Court of Federal Claims No: 25-0129V
68. Terri Haight, Greeneville, Tennessee, Court of Federal Claims No: 25-0131V
69. Linden Barrett, Walled Lake, Michigan, Court of Federal Claims No: 25-0136V
70. Taylor Salonen, Sioux Falls, North Dakota, Court of Federal Claims No: 25-0139V
71. Olivia Grace Elliott, Long Beach, California, Court of Federal Claims No: 25-0142V
72. Cynthia E. Coronel, San Francisco, California, Court of Federal Claims No: 25-0144V
73. Christopher Truhan, Westlake Village, California, Court of Federal Claims No: 25-0147V
74. Deborah Crawford, Kennesaw, Georgia, Court of Federal Claims No: 25-0148V
75. Ginger Miletich, Franklin, Wisconsin, Court of Federal Claims No: 25-0150V
76. Brittany Shumpert, West Allis, Wisconsin, Court of Federal Claims No: 25-0151V
77. Jennifer Kaczor, Latham, New York, Court of Federal Claims No: 25-0156V
78. Matthew Thomas, Dothan, Alabama, Court of Federal Claims No: 25-0157V
79. Richard O'Brien, Charlotte, North Carolina, Court of Federal Claims No: 25-0159V
80. Charlene Messenger, Satellite Beach, Florida, Court of Federal Claims No: 25-0161V
81. Steven Spiker, Kennewick, Washington, Court of Federal Claims No: 25-0162V
82. Lorraine Kelly, Burlington, Massachusetts, Court of Federal Claims No: 25-0163V
83. Carolyn L. Jordan, Grand Rapids, Michigan, Court of Federal Claims No: 25-0164V
84. Carl F. Self, Oshkosh, Wisconsin, Court of Federal Claims No: 25-0167V
85. Laura Smith, Normal, Illinois, Court of Federal Claims No: 25-0168V
86. Jessica O. Gillette, Long Beach, California, Court of Federal Claims No: 25-0171V
87. Adam Recla, Black River Falls, Wisconsin, Court of Federal Claims No: 25-0173V
88. Denise Sherman, Staten Island, New York, Court of Federal Claims No: 25-0174V
89. Jackie Tondalo, Shelton, Connecticut, Court of Federal Claims No: 25-0177V
90. Michelle D. Sharf, Cleveland, Ohio, Court of Federal Claims No: 25-0178V
91. Randy Prisco, LaPlace, Louisiana, Court of Federal Claims No: 25-0179V
92. Trudy Hodgson, New Orleans, Louisiana, Court of Federal Claims No: 25-0180V
93. Sally Ali, Los Angeles, California, Court of Federal Claims No: 25-0181V
94. Megan Haynes, Huntley, Illinois, Court of Federal Claims No: 25-0182V
95. Wendy Tully, Pocomoke City, Maryland, Court of Federal Claims No: 25-0184V
96. Travis Rowe, Springfield, Ohio, Court of Federal Claims No: 25-0186V
97. Stacey Wright, Reno, Nevada, Court of Federal Claims No: 25-0187V
98. Emily Rampton, Pleasonton, California, Court of Federal Claims No: 25-0188V
99. Sallie West on behalf of Estate of James West Jr, Deceased, Kerrville, Texas, Court of Federal Claims No: 25-0189V

[FR Doc. 2025-05473 Filed 3-28-25; 8:45 am]

**BILLING CODE 4165-15-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Eye Institute; 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 Eye Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (<https://videocast.nih.gov/watch=56697>).

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/or proposals 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 and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Advisory Eye Council.

*Date:* June 13, 2025.

*Open:* 8:30 a.m. to 2:30 p.m.

*Agenda:* Presentation of the NEI Director's report, discussion of NEI programs, and concept clearances.

*Address:* National Eye Institute, 1st Floor, Room A/B/C, 6700B Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* In Person and Virtual Meeting.

*Closed:* 2:40 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications and/or proposals.

*Address:* National Eye Institute, 1st Floor, Room A/B/C, 6700B Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* In Person and Virtual Meeting.

*Contact Person:* Kathleen C. Anderson, Ph.D., Director, Division of Extramural Activities, National Eye Institute, NIH, 6700B Rockledge Drive, Room 3440, Bethesda, MD 20892, (301) 827-4320, [kanders1@nei.nih.gov](mailto:kanders1@nei.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the contact person listed above before the meeting or within 15 days after 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.nei.nih.gov/about/advisory-committees/national-advisory-eye-council-naec>, where an agenda and any additional information for the meeting will be posted when available.

In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program No. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: March 25, 2025.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025-05435 Filed 3-28-25; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

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 Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA–DK25–012 HPAP–T1D.

*Date:* April 29, 2025.

*Time:* 1:30 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate cooperative agreement applications.

*Address:* National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Ann A. Jerkins, Ph.D., Scientific Review Officer, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, 6707 Democracy Boulevard, Room 7119, Bethesda, MD 20892–5452, 301–594–2242, [jerkinsa@nidk.nih.gov](mailto:jerkinsa@nidk.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 25, 2025.

**David W. Freeman,**

*Supervisory Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025–05416 Filed 3–28–25; 8:45 am]

**BILLING CODE 4140–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Institute of Environmental Health Sciences; Notice of Closed Meeting**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

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 Institute of Environmental Health Sciences Special Emphasis Panel; SBIR Omnibus for the Environmental Health Sciences.

*Date:* May 15–16, 2025.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27713.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, P.O. Box 12233, MD, EC–30/Room 3171, Research Triangle Park, NC 27709, (984) 287–3340 email:[worth@niehs.nih.gov](mailto:worth@niehs.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: March 26, 2025.

**Bruce A. George,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025–05478 Filed 3–28–25; 8:45 am]

**BILLING CODE 4140–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****Center for Scientific Review; Amended Notice of Meeting**

Notice is hereby given of a change in the meeting of the Bacterial-Host Interactions Study Section, April 10, 2025, 08:30 a.m. to April 11, 2025, 07:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on March 11, 2025, 90 FR 11740.

This meeting is being amended to change the start time from 8:30 a.m. to 9:00 a.m. The meeting is closed to the public.

Dated: March 25, 2025.

**Sterlyn H. Gibson,**

*Program Specialist, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025–05474 Filed 3–28–25; 8:45 am]

**BILLING CODE 4140–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****Fogarty International Center; Amended Notice of Meeting**

Notice is hereby given of a change in the meeting of the Fogarty International Center Advisory Board, February 10, 2025, 01:00 p.m. to February 11, 2025, 04:00 p.m., Fogarty International Center National Institutes, Lawton Chiles International House (Stone House), 16 Center Drive, Conference Room, Bethesda, MD 20892 which was published in the **Federal Register** on November 12, 2024, 89 FR 89020.

The meeting notice is amended to change the start date of the meeting from 2/10–11/2025 to 4/30/2025. The meeting is partially Closed to the public.

Dated: March 25, 2025.

**Bruce A. George,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025–05434 Filed 3–28–25; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Eunice Kennedy Shriver National Institute of Child Health & Human Development; 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 Child Health and Human Development Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

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 Child Health and Human Development Council.

*Date:* June 9–10, 2025.

*Open:* June 09, 2025, 12:00 p.m. to 3:45 p.m.

*Agenda:* Call to order and introductory remarks; Director's Report; Voice of the Participant; Council Business.

*Meeting Format:* Virtual Meeting.

*Address:* Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Bethesda, MD 20892.

*Closed:* June 10, 2025, 9:00 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Meeting Format:* Virtual Meeting.

*Address:* Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Rebekah S. Rasooly, Ph.D., Director, Division of Extramural Activities, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institute of Health, 6710B Rockledge Drive, Room: 2316, Bethesda, MD 20817, Email: [rebekah.rasooly@nih.gov](mailto:rebekah.rasooly@nih.gov).

Information is also available on the Institute's/Center's home page: <https://www.nichd.nih.gov/about/advisory/council>, where an agenda and any additional

information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

**Bruce George,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025–05477 Filed 3–28–25; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Nursing Research; 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 Council for Nursing Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: <https://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 intramural programs and projects as well as the grant applications and/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* The National Advisory Council for Nursing Research (NACNR).

*Date:* April 23, 2025.

*Open:* 11:00 a.m.–12:15 p.m.

*Agenda:* Call to Order and Opening Remarks, Council Open Discussion.

*Meeting Format:* Virtual Meeting.

*Address:* National Institutes of Health, Building 31, Room 6C, 31 Center Street, Bethesda, MD 20892.

*Closed:* 12:15 p.m.–12:30 p.m.

*Agenda:* To review and evaluate grant applications and/or proposals.

*Contact Person:* Elizabeth Tarlov, Ph.D., RN Director, Division of Extramural Science Programs (DESP), National Institute of Nursing Research, 31 Center Drive, Bethesda, MD 20892, (301) 594–1580, email: [elizabeth.tarlov@nih.gov](mailto:elizabeth.tarlov@nih.gov).

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of an organization may submit a letter of intent, a brief description of the organization represented and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. 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.ninr.nih.gov/aboutninr/nacnr>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: March 26, 2025.

**Bruce A. George,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025–05508 Filed 3–28–25; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting of the National Advisory Council for Biomedical Imaging and Bioengineering.

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:* National Advisory Council for Biomedical Imaging and Bioengineering.

*Date:* June 4, 2025.

*Closed:* 12:00 p.m. to 12:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6707 Democracy Boulevard, Bethesda, MD 20817.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Anna Taylor, Ph.D., Associate Director for Research Administration, Office of Research Administration, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Bethesda, MD 20892, (240) 402-5683, [anna.taylor@nih.gov](mailto:anna.taylor@nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. 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.nibib.nih.gov/about-nibib/advisory-council>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health.)

Dated: March 26, 2025.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025-05507 Filed 3-28-25; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Minority Health and Health Disparities; Notice of Partially Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Minority Health and Health Disparities.

This meeting will be a hybrid meeting held in-person and virtually and will be open to the public as indicated below with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocast at the

following link: <https://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/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Advisory Council on Minority Health and Health Disparities.

*Date:* May 5, 2025.

*Open:* 10:00 a.m. to 4:00 p.m.

*Agenda:* Opening Remarks, Administrative Matters, Director's Report, Presentations, and Other Business of the Council.

*Closed:* 4:05 p.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institute of Health, 31 Center Drive, Building 31C, Rooms F&G, D&E, and C, Bethesda, MD 20892.

*Meeting Format:* In Person and Virtual Meeting.

*Contact Person:* Paul Cotton, Ph.D., RDN, Director, Office of Extramural Research Activities, National Institute on Minority Health and Health Disparities, National Institutes of Health, 6707 Democracy Boulevard, Suite 800, Bethesda, MD 20892, 301-402-1366, [paul.cotton@nih.gov](mailto:paul.cotton@nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: NIMHD: <https://www.nimhd.nih.gov/about/advisory-council/>, where an agenda and any additional information for the meeting will be posted when available.

Dated: March 26, 2025.

**David W. Freeman,**

*Supervisory Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025-05512 Filed 3-28-25; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Drug Abuse; 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:* National Institute on Drug Abuse Special Emphasis Panel; Accelerating the Pace of Drug Abuse Research Using Existing Data.

*Date:* May 7, 2025.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Marisa Srivareerat, Ph.D., Scientific Review Officer, Scientific Review Branch, Office of Extramural Policy, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 435-1258 [marisa.srivareerat@nih.gov](mailto:marisa.srivareerat@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: March 26, 2025.

**David W. Freeman,**

*Supervisory Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025-05510 Filed 3-28-25; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Eunice Kennedy Shriver National Institute of Child Health & Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Board on Medical Rehabilitation Research, May 05, 2025, 10:00 a.m. to May 06, 2025, 05:00 p.m., Eunice Kennedy Shriver National Institute of Child, Health and Human Development, 6710 B Rockledge Drive, Bethesda, MD 20817 which was published in the **Federal Register** on December 30, 2024, 89FR106540.

The meeting notice is amended to change the start date of the meeting from 5/5–6/2025 to 5/5/2025. The meeting is open to the public.

Dated: March 26, 2025.

**Bruce A. George,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025–05479 Filed 3–28–25; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Advancing Translational 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 Center for Advancing Translational Sciences Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The Open Session may be accessed by the public from the NIH Videocast at the following link: <https://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 Center for Advancing Translational Sciences Advisory Council.

*Date:* April 17, 2025.

*Closed:* April 17, 2025, 11:00 a.m. to 12:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Room 1E454, Rockville, MD 20892 (Video Assisted Meeting).

*Open:* April 17, 2025, 1:00 p.m. to 3:00 p.m.

*Agenda:* Report from the Center Director, Clearance of Concept(s).

*Address:* National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Room 1E454, Rockville, MD 20892 (Video Assisted Meeting).

*Contact Person:* Anna L. Ramsey-Ewing, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, 9609 Medical Center Drive, Room 1E454, Rockville, MD 20850, [anna.ramseyewing@nih.gov](mailto:anna.ramseyewing@nih.gov), (301) 435–0809.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice no later than 15 days after the meeting at [NCATSCouncilInput@mail.nih.gov](mailto:NCATSCouncilInput@mail.nih.gov). The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <https://ncats.nih.gov/advisory/council>, where an agenda and any additional information for the meeting will be posted when available. (Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: March 21, 2025.

**David W. Freeman,**

*Supervisory Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025–05476 Filed 3–28–25; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Minority Health and Health Disparities; Notice of Partially Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Minority Health and Health Disparities.

This meeting will be a hybrid meeting held in-person and virtually and will be open to the public as indicated below with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocast at the following link: <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 Council on Minority Health and Health Disparities.

*Date:* May 6, 2025.

*Open:* 10:00 a.m. to 4:00 p.m.

*Agenda:* Opening Remarks, Administrative Matters, Director's Report, Presentations, and Other Business of the Council.

*Closed:* 4:05 p.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, 31 Center Drive, Building 31C, Rooms F&G, D&E, and C, Bethesda, MD 20892.

*Meeting Format:* In Person and Virtual Meeting.

*Contact Person:* Paul Cotton, Ph.D., RDN, Director, Office of Extramural Research Activities, National Institute on Minority Health and Health Disparities, National Institutes of Health, 6707 Democracy Boulevard, Suite 800, Bethesda, MD 20892, 301–402–1366, [paul.cotton@nih.gov](mailto:paul.cotton@nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: NIMHD: <https://www.nimhd.nih.gov/about/advisory-council/>, where an agenda and any additional information for the meeting will be posted when available.

Dated: March 26, 2025.

**David W. Freeman,**

*Supervisory Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025-05511 Filed 3-28-25; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

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 Institute on Deafness and Other Communication Disorders Special Emphasis Panel; P50 Clinical Research Center Grant Applications.

*Date:* July 10, 2025.

*Time:* 1:00 p.m. to 4:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, 6001 Executive Blvd., Rockville, MD 20852, 301-402-3587, [rayk@nidcd.nih.gov](mailto:rayk@nidcd.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research

Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: March 25, 2025.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025-05415 Filed 3-28-25; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Etiology, Diagnostic, Intervention and Treatment of Infectious Diseases Study Section, May 01, 2025, 09:00 a.m. to May 02, 2025, 06:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on March 11, 2025, 90 FR 11739.

This meeting is being amended to change the contact person from Dr. Zheng, Liangbiao to Dr. Lewis, Lisa Ann. The meeting is closed to the public.

Dated: March 25, 2025.

**Sterlyn H. Gibson,**

*Program Specialist, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025-05475 Filed 3-28-25; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. FWS-HQ-IA-2024-0200; FXIA1671090000-245-FF09A30000]

#### Foreign Endangered Species; Receipt of Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

**DATES:** We must receive comments by April 30, 2025.

#### ADDRESSES:

*Obtaining Documents:* The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at <https://www.regulations.gov> in Docket No. FWS-HQ-IA-2024-0200.

*Submitting Comments:* When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet:* <https://www.regulations.gov>. Search for and submit comments on Docket No. FWS-HQ-IA-2024-0200.

- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS-HQ-IA-2024-0200;

- U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041-3803.

For more information, see Public Comment Procedures under

#### SUPPLEMENTARY INFORMATION.

#### FOR FURTHER INFORMATION CONTACT:

Timothy MacDonald, by phone at 703-358-2185 or via email at [DMAFR@fws.gov](mailto:DMAFR@fws.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

#### SUPPLEMENTARY INFORMATION:

#### I. Public Comment Procedures

##### A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate

any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

*B. May I review comments submitted by others?*

You may view and comment on others' public comments at <https://www.regulations.gov> unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

*C. Who will see my comments?*

If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

## II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

## III. Permit Applications

We invite comments on the following applications.

*Applicant: California Academy of Sciences; San Francisco, CA; Permit No. PER13300838*

The applicant requests a permit to import blood samples taken from 20 wild-origin and 16 captive-born Philippine eagles (*Pithecophaga jefferyi*) to the California Academy of Sciences in San Francisco, California, for the purpose of scientific research, which will help with the propagation or survival of the species in the wild. This notification is for a single import.

*Applicant: San Antonio Zoo, San Antonio, TX; Permit No. PER12668038*

The applicant requests a permit to export one male and one female live captive-born Komodo Island monitors (*Varanus komodoensis*) to Toronto Zoo, Canada, for the purpose of enhancing the propagation or survival of the species. This notification is for a single export.

*Applicant: Texas A&M University College Station, TX; Permit No. PER12713734*

The applicant requests a permit to import biological samples collected from wild Hispaniolan solenodon (*Solenodon paradoxus*) in the Dominican Republic, for the purpose of scientific research. This notification is for a single import.

*Applicant: Marra Lab, Georgetown University, Washington, DC; Permit No. PER13890062*

The applicant requests a permit to import biological samples collected from wild yellow-billed cuckoo (*Coccyzus americanus*) in Paraguay and Argentina, for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

*Applicant: University of Washington, D/B/A Center for Environmental Forensic Science, Seattle, WA; Permit No. PER11893140*

The applicant requests authorization to import biological samples of wild and captive ground pangolin (*Manis temminckii*) from multiple countries for the purpose of enhancing the propagation or survival of the species through scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

*Applicant: East Texas Ranch, D/B/A Lazy W Ranch, Athens, TX; Permit No. PER13945221*

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the swamp deer (*Cervus*

*duvauceli*) and red lechwe (*Kobus lechwe*), to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

*Applicant: University of Kansas Biodiversity Institute, Lawrence, KS; Permit No. PER13883087*

The applicant requests authorization to export and re-import nonliving museum specimens of endangered species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

*Applicant: University of Wyoming Museum of Vertebrates, Laramie, WY; Permit No. PER13884218*

The applicant requests authorization to export and re-import nonliving museum specimens of endangered species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

*Applicant: East Texas Ranch/dba Lazy W Ranch, Athens, TX; Permit No. PER13944433*

The applicant requests a permit authorizing the culling of excess swamp deer (*Cervus duvauceli*) and red lechwe (*Kobus lechwe*) from the captive herd maintained at their facility, to enhance the species' propagation and survival. This notification covers activities to be conducted by the applicant over a 5-year period.

## Multiple Trophy Applicants

The following applicants request permits to import sport-hunted trophies of male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

- *Applicant: Guy Gelakoski, Andover, MN; Permit No. PER13774784*
- *Applicant: Kerry Jones, Bowling Green, KY; Permit No. PER13774849*
- *Applicant: Michael Anderson, San Antonio, TX; Permit No. PER13784424*
- *Applicant: Jesse David Palmer Jr., Spring Branch, TX; Permit No. PER13800404*

## IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal**

**Register.** You may locate the notice announcing the permit issuance by searching <https://www.regulations.gov> for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to [regulations.gov](https://www.regulations.gov) and search for “12345A”.

#### V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

#### Timothy MacDonald,

*Government Information Specialist, Branch of Permits, Division of Management Authority.*

[FR Doc. 2025–05439 Filed 3–28–25; 8:45 am]

**BILLING CODE 4333–15–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1206 (Second Review)]

### Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products From Japan

#### Determination

On the basis of the record<sup>1</sup> developed in the subject five-year review, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping duty order on diffusion-annealed, nickel-plated flat-rolled steel products from Japan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

#### Background

The Commission instituted this review on September 3, 2024 (89 FR 71424, September 3, 2024) and determined on December 9, 2024, that it would conduct an expedited review (89 FR 107163, December 31, 2024).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on March 25, 2025. The views of the Commission are contained in USITC Publication 5601 (March 2025), entitled *Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from China: Investigation No. 731–TA–1206 (Second Review)*.

<sup>1</sup> The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

By order of the Commission.

Issued: March 25, 2025.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2025–05419 Filed 3–28–25; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Genetic Information Nondiscrimination Act of 2008 Research Exception Notice

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before April 30, 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](http://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:** Michael Howell by telephone at 202–693–6782, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Genetic Information Nondiscrimination Act of 2008 (GINA), Public Law 110–233, was enacted on May 21, 2008. Title I of GINA amended the Employee Retirement Income Security Act of 1974 (ERISA), the Public Health Service Act (PHS Act), the Internal Revenue Code of 1986 (the Code), and the Social Security Act (SSA) to prohibit discrimination in health coverage based on genetic information. Sections 101 through 103 of Title I of GINA prevent employment-based group health plans and health insurance issuers in the group and individual markets from discriminating based on genetic information and from collecting such information.

GINA and the interim final regulations (29 CFR 2590.702–1(c)(5)) provide an exception to the limitations on requesting or requiring genetic

testing that allows a group health plan or group health insurance issuer to request, but not require, a participant or beneficiary to undergo a genetic test if all of the following conditions of the research exception are satisfied.

First, the request must be made pursuant to research that complies with 45 CFR part 46 (or equivalent Federal regulations) and any applicable State or local law or regulations for the protection of human subjects in research. To comply with the informed consent requirements of 45 CFR 46.116(a)(8), a participant must receive a disclosure that participation in the research is voluntary, refusal to participate cannot involve any penalty or loss of benefits to which the participant is otherwise entitled, and the participant may discontinue participation at any time without penalty or loss of benefits to which the participant is entitled (the Participant Disclosure).

Second, the plan or issuer must make the request in writing and must clearly indicate to each participant or beneficiary (or in the case of a minor child, to the legal guardian of such beneficiary) to whom the request is made that compliance with the request is voluntary and noncompliance will have no effect on eligibility for benefits, premium, or contribution amounts.

Third, none of the genetic information collected or acquired as a result of the research may be used for underwriting purposes. Finally, the plan or issuer must complete a copy of the “Notice of Research Exception under the Genetic Information Nondiscrimination Act” and provide it to the address specified in its instructions. The Notice and instructions are available on the Department’s website. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 9, 2024 (89 FR 56416).

*Comments are invited on:* (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally

cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–EBSA.

*Title of Collection:* Genetic Information Nondiscrimination Act of 2008 Research Exception Notice.

*OMB Control Number:* 1210–0136.

*Affected Public:* Private sector, Businesses or other for-profits, Not-for-profit institutions.

*Total Estimated Number of Respondents:* 35.

*Total Estimated Number of Responses:* 35.

*Total Estimated Annual Time Burden:* 9 hours.

*Total Estimated Annual Other Costs Burden:* \$199.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Michael Howell,**

*Senior Paperwork Reduction Act Analyst.*

[FR Doc. 2025–05433 Filed 3–28–25; 8:45 am]

**BILLING CODE 4510–29–P**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice: 25–007]

**Aerospace Safety Advisory Panel; Meeting**

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel (ASAP). The ASAP will hold its Second Quarterly Meeting for 2025. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems,

procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight.

**DATES:** Thursday, April 17, 2025, 3 p.m. to 4:30 p.m., central time.

**ADDRESSES:** Public attendance will be virtual only. See dial-in information below under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lisa M. Hackley, ASAP Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–1947 or [lisa.m.hackley@nasa.gov](mailto:lisa.m.hackley@nasa.gov).

**SUPPLEMENTARY INFORMATION:** As noted above, this meeting is only available telephonically. Any interested person must use a touch-tone phone to participate in this meeting. Any interested person may call the USA toll free conference call number 888–566–6133; passcode 8343253 and then the # sign. At the beginning of the meeting, members of the public may make a verbal presentation to the Panel limited to the subject of safety in NASA, not to exceed 5 minutes in length. To do so, members of the public must contact Ms. Lisa M. Hackley at [lisa.m.hackley@nasa.gov](mailto:lisa.m.hackley@nasa.gov) or at (202) 358–1947 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel via electronic submission to Ms. Hackley at the email address previously noted. Written statements should be limited to the subject of safety in NASA.

The agenda for the meeting includes the following topics:

- Updates on the International Space Station Program
- Updates on the Commercial Crew Program
- Updates on the Moon to Mars Program

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

**Jamie M. Krauk,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 2025–05442 Filed 3–28–25; 8:45 am]

**BILLING CODE 7510–13–P**

**NATIONAL SCIENCE FOUNDATION**

**Notice of Intent To Seek Approval To Establish an Information Collection**

**AGENCY:** National Science Foundation.

**ACTION:** Notice and request for comments.

**SUMMARY:** Under the Paperwork Reduction Act of 1995, and as part of its continuing effort to reduce paperwork and respondent burden, the Office of Integrative Activities (OIA), National Science Foundation (NSF) is inviting the general public or other Federal agencies to comment on this proposed information collection.

**DATES:** Written comments on this notice must be received by May 30, 2025, to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to the address below.

**FOR FURTHER INFORMATION CONTACT:** Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite E7400, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to [splimpto@nsf.gov](mailto:splimpto@nsf.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

*Comments:* Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Foundation, including whether the information will have practical utility; (b) the accuracy of the Foundation's estimate of the burden of the proposed collection of information; (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 those who are to respond, including through the use of automated collection techniques or other forms of information technology.

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Structured interviews and focus groups to support formative evaluation planning for the NSF Growing Research Access for Nationally Transformative Economic Development (GRANTED) program.

*OMB Number:* 3145–NEW.

*Expiration Date of Approval:* Not applicable.

*Type of Request:* New information collection.

*Description:* A series of structured interviews and focus groups with research administrators from Institutions of Higher Education (IHE) and professional societies are proposed as two data sources for the evidence-based design of a formative evaluation of the NSF Growing Research Access for Nationally Transformative Economic Development (GRANTED) Program. The overarching goal of this project is to

design an evaluation that reflects an understanding of the context and environment in which IHEs operate and a framework that identifies strategies and practices that can build research support capacity.

*Background:* In FY 2023, NSF launched a research capacity-building initiative, Growing Research Access for Nationally Transformative Economic Development (GRANTED), to support IHEs across the research enterprise. The GRANTED program differs from other NSF capacity-building programs by investing in the development of institutional research support services and infrastructure. Examples of these services and infrastructure include helping to identify funding opportunities, developing compliant and competitive proposals, and managing financial and effort reporting requirements. By contrast, other NSF capacity-building programs invest in the development of faculty and students who perform research.

The GRANTED program emerged out of a recognition that having a great research idea and a capable team are necessary but insufficient factors to developing an institution’s capacity to win new grants and develop a thriving research environment. The GRANTED program, which has an open call for proposals with no proscribed annual deadline for submission, focuses on eight sectors listed below:

- Research Administration
- Research Integrity/Compliance
- Research Leadership
- Research Policy
- Research Development
- Management of Student Research Training
- Corporate Relations
- Technology Commercialization

As a first step, the study will conduct a literature review to analyze the types of research support and services provided at U.S. higher education

institutions. Second, the study will provide a road map for a formative program evaluation, along with a feasibility memo of what data can be used for the evaluation. The guiding research questions for this work are:

1. What is the current state of the research support and service infrastructure in institutions of higher education as it relates to human capital, practices, policies, and partnerships?

a. What are promising practices to improve such research support and service infrastructure?

b. What outcomes are associated with different research support operating models, different levels of organizational maturity, and/or different levels of research infrastructure support?

2. What is a feasible formative evaluation, guided by a logic model, that best provides tools, insights, assessments, and strategies to monitor and improve the GRANTED program?

The proposed interviews and focus groups will be conducted to analyze: (1) how institutional mission and strategy align with research support capacity and institutional investment, (2) the type of infrastructure in place to support research development, pre-award and post-award administration, compliance, etc., (3) research support and service infrastructure impediments to performing more research, and (4) where research administrators go to learn more about best practices in research administration support and troubleshooting.

*Methodology:* The study proposes to conduct 25 interviews and 10–12 focus groups with 5–7 participants each with research administrators at institutions of higher education. Examples of the types of individuals who would be invited to participate include Vice Presidents for Research, Assistant Deans for Research, Senior Research Development Officers, Directors of Sponsored Programs, other

Office of Sponsored Programs staff, and individuals in leadership positions at professional organizations associated with research development and support.

For both the interviews and the focus groups, the study expects to select a single sample of 100 higher education institutions. The sample will include institutions that have been awarded funding through the GRANTED program and institutions that have not received GRANTED funding. The stratified random sample will reflect a variety of institutions in terms of Carnegie Classification of research activity, *i.e.*, amount of research performed, and broad geographic location, *e.g.*, four Census regions. Once these institutions are sampled, the project team will contact institutional administrators at the selected institutions to identify appropriate individuals to participate.

Feedback collected under this clearance will provide useful information for a future evaluation of the GRANTED program. In addition to the interviews and focus groups, other data sources that the study is using to inform the evaluation design include a literature review and an exploration of existing federal and non-federal data collections that might be used to measure GRANTED program impacts.

*Affected Public:* The targeted participants are individuals who serve as Vice Presidents for Research, Assistant Deans for Research, Senior Research Development Officers, Directors of Sponsored Programs, other Office of Sponsored Programs staff, and individuals in leadership positions at research administration and development professional organizations.

*Average Expected Annual Number of Activities:* For each collection method, we anticipate the following lower and upper bounds for the numbers of responses and response burdens by collection method:

| Collection method  | Category of respondent                   | Estimated lower bound (number of responses) | Estimated upper bound (number of responses) | Estimated average response time (min) | Frequency of data collection | Approximate lower bound response burden (hours) | Approximate upper bound response burden (hours) |
|--------------------|--|---|---|---------------------------------------|------------------------------|---|---|
| Interviews .....   | Individual research administrators ..... | 20  | 25  | 30                                    | Once .....                   | 10  | 12.5  |
| Focus groups ..... | Individual research administrators ..... | 50  | 75  | 45                                    | Once .....                   | 37.5  | 56.25   |

*Respondents:* Interviews Lower bound estimate of 20 individuals and upper bound estimate of 25 conducted once during the project. For the focus groups, lower bound estimate of 50 individuals and upper bound estimate of 75 individuals conducted once during the project.

*Annual Responses:* The data will be collected in a single 3- to 6-month period. The lower and upper bound response estimates are 70 and 100, respectively.

*Frequency of Response:* Please refer to the description of programmatic categories for frequency of data collection.

*Average Minutes per Response:* 30 minutes for interviews, 45 minutes for focus groups.

*Burden Hours:* Lower and upper bound estimates of approximately 47.5 hours and 68.75 hours, respectively.

Dated: March 26, 2025.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2025-05503 Filed 3-28-25; 8:45 am]

**BILLING CODE 7555-01-P**

## NATIONAL SCIENCE FOUNDATION

### Advisory Committee for Technology, Innovation and Partnerships; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

*Name and Committee Code:* Advisory Committee for Technology, Innovation and Partnerships (#84684) (Hybrid).

*Date and Time:* April 28, 2025; 11 a.m.–3 p.m. (eastern).

*Place:* NSF, 2415 Eisenhower Avenue, Alexandria, VA 22314 (Hybrid).

The meeting will be hybrid, with some Advisory Committee members participating in person and others participating virtually. Members of the public can view the meeting virtually. To attend the virtual meeting, please send your request for the virtual meeting link to the following email: [afenzel@nsf.gov](mailto:afenzel@nsf.gov).

*Type of Meeting:* Open.

*Contact Persons:* Chaitanya Baru, Senior Advisor, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: (703) 292-8050.

Additional meeting information, an updated agenda, and registration information will be posted on the AC's website at <https://new.nsf.gov/tip/tip-advisory-committee>.

*Purpose of Meeting:* To provide advice to the National Science Foundation concerning implementation of the provisions of the CHIPS and Science Act of 2022, Public Law 117-167, pertaining to the Directorate for Technology, Innovation and Partnerships (TIP), along with other related policies and activities of the Foundation.

### Agenda

*Monday, April 28, 2025*

- Welcome and overview of the TIP Advisory Committee's charge
- Introduction to TIP, including current portfolio of investments and partnerships
- Strategic recommendations for TIP
- Next steps and closing remarks

Dated: March 26, 2025.

**Crystal Robinson,**

*Committee Management Officer.*

[FR Doc. 2025-05493 Filed 3-28-25; 8:45 am]

**BILLING CODE 7555-01-P**

## NATIONAL SCIENCE FOUNDATION

### Sunshine Act Meetings

The National Science Board's Committee on Strategy hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business pursuant to the NSF Act and the Government in the Sunshine Act.

**TIME AND DATE:** Monday, March 31, 2025, from 12:30–1:30 p.m. Eastern.

**PLACE:** This meeting will be via videoconference through the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** The agenda is: Chair's remarks about the agenda; discussion of potential agency restructuring ideas; Chair's closing remarks.

#### CONTACT PERSON FOR MORE INFORMATION:

Point of contact for this meeting is: Chris Blair, [cblair@nsf.gov](mailto:cblair@nsf.gov), 703/292-7000. Meeting information and updates may be found at [www.nsf.gov/nsb](http://www.nsf.gov/nsb).

**Christopher Blair,**

*Executive Assistant to the National Science Board.*

[FR Doc. 2025-05533 Filed 3-27-25; 11:15 am]

**BILLING CODE 7555-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2024-0075]

### Information Collection: Tribal Participation in the Advance Notification Program

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of submission to the Office of Management and Budget; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, "Tribal Participation in the Advance Notification Program."

**DATES:** Submit comments by April 30, 2025. Comments received after this date

will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function.

#### FOR FURTHER INFORMATION CONTACT:

Kristen Benney, Acting NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6355; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

### I. Obtaining Information and Submitting Comments

#### A. Obtaining Information

Please refer to Docket ID NRC-2024-0075 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0075.
- *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](mailto:PDR.Resource@nrc.gov). For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Acting Clearance Officer, Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission,

Washington, DC 20555–0001; telephone: 301–415–6355; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

**B. Submitting Comments**

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

**II. Background**

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC recently

submitted a request for renewal of an existing collection of information to OMB for review entitled, “Tribal Participation in the Advance Notification Program.” The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on October 17, 2024, 89 FR 83707.

1. *The title of the information collection:* Tribal Participation in the Advance Notification Program.
2. *OMB approval number:* 3150–0250.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* Information would be requested: (1) every 5 years, (2) after an Indian Tribe achieves Federal recognition, (3) when a transportation route is NRC-approved that passes within or across an Indian Tribe’s reservation boundaries, and (4) when there are changes. Information is requested from those Indian Tribes seeking to receive advance notifications. Some information is requested one time.

6. *Who will be required or asked to respond:* Federally recognized Indian Tribes. Only those Federally recognized Indian Tribes with reservations and either receiving or seeking to receive the advance notifications would be asked to respond to the specific information request.

7. *The estimated number of annual responses:* 20 (7 reporting responses + 13 recordkeepers).

8. *The estimated number of annual respondents:* 13.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 37.5 hours (21 reporting + 16.5 recordkeeping).

10. *Abstract:* In order to receive notification of certain shipments of irradiated reactor fuel and/or nuclear waste within or across the boundary of an Indian Tribe’s reservation, Tribes shall affirmatively opt into the advance notification program. Because the notification may contain Safeguards Information (SGI), the Tribal official will submit certification that the Tribal official or their designee(s) has completed NRC-provided training on the handling of SGI and has the necessary protection measures in place for implementation. The Tribal official will provide contact information for the designee(s) and emergency response contact(s). The Tribal official will also provide confirmation of the reservation boundaries or the necessary corrections to a map provided by the NRC. The NRC makes this information available to others, including NRC licensees. NRC licensees will use the information to comply with the NRC’s regulations that require them to provide advance notice of certain shipments of radioactive material to participating Tribes.

**III. Availability of Documents**

The documents identified in the following table are available to interested persons through ADAMS.

| Document description   | ADAMS accession No. |
|--|---------------------|
| Five-year Notification Letter Template for Tribal Participation in the Advance Notification Program .....  | ML25078A408         |
| Acknowledgment Letter Template for Tribal Participation in the Advance Notification Program .....  | ML24170A430         |
| NUREG/BR–0362 “Protection of Safeguards Information: Requirements for Tribes Participating in the Advance Notification of Irradiated Reactor Fuel Shipments” ..... | ML12283A116         |
| Safeguards Information (SGI) Awareness Training .....  | ML16083A340         |
| Final Supporting Statement .....   | ML25070A230         |

Dated: March 26, 2025.

For the Nuclear Regulatory Commission.

**Kristen Benney,**

*Acting NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2025–05468 Filed 3–28–25; 8:45 am]

**BILLING CODE 7590–01–P**

**POSTAL REGULATORY COMMISSION**

**[Docket Nos. MC2025–1260 and K2025–1259; MC2025–1261 and K2025–1260; MC2025–1262 and K2025–1261; MC2025–1263 and K2025–1262]**

**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:* April 2, 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:**

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- 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 (<https://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.<sup>1</sup>

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). Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the competitive product list or to amend a standardized distinct product, the title

of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)-(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

**II. Public Proceeding(s)**

1. *Docket No(s)*: MC2025-1260 and K2025-1259; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 665 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: March 25, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca Upperman; *Comments Due*: April 2, 2025.

2. *Docket No(s)*: MC2025-1261 and K2025-1260; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 666 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: March 25, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Arif Hafiz; *Comments Due*: April 2, 2025.

3. *Docket No(s)*: MC2025-1262 and K2025-1261; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 667 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: March 25, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Christopher Mohr; *Comments Due*: April 2, 2025.

4. *Docket No(s)*: MC2025-1263 and K2025-1262; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 668 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: March 25, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth Moeller; *Comments Due*: April 2, 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. 2025-05509 Filed 3-28-25; 8:45 am]

**BILLING CODE 7710-FW-P**

**RAILROAD RETIREMENT BOARD**

**Sunshine Act Meetings**

**TIME AND DATE:** 10:00 a.m., April 8, 2025.

**PLACE:** Members of the public wishing to attend the meeting must submit a written request at least 24 hours prior to the meeting to receive dial-in information. All requests must be sent to [SecretarytotheBoard@rrb.gov](mailto:SecretarytotheBoard@rrb.gov).

**STATUS:** This meeting will be open to the public.

**MATTERS TO BE CONSIDERED:** Legislative and Budget Update—Office of Legislative Affairs.

**CONTACT PERSON FOR MORE INFORMATION:** Stephanie Hillyard, Secretary to the Board, (312) 751-4920.

*Authority:* 5 U.S.C. 552b.

Dated: March 26, 2025.

Stephanie Hillyard,

*Secretary to the Board.*

[FR Doc. 2025-05532 Filed 3-27-25; 11:15 am]

**BILLING CODE 7905-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-102728; File No. SR-CboeEDGX-2025-023]

**Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase the Monthly Fee for 10 Gb Physical Ports**

March 25, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 13, 2025, Cboe EDGX Exchange, Inc. ("Exchange" or "EDGX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

<sup>1</sup> 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).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 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 increase the monthly fee for 10 Gb physical ports. 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/](http://markets.cboe.com/us/options/regulation/rule_filings/edgx/)), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The Exchange proposes to amend its fee schedule relating to physical connectivity fees.<sup>3</sup>

<sup>3</sup> The Exchange initially filed the proposed fee changes on July 3, 2023 (SR-CboeEDGX-2023-045). On September 1, 2023, the Exchange withdrew that filing and submitted SR-CboeEDGX-2023-058. On September 29, 2023, the Securities and Exchange Commission issued a Suspension of and Order Instituting Proceedings to Determine whether to Approve or Disapprove a Proposed Rule Change to Amend its Fees Schedule Related to Physical Port Fees (the "OIP") in anticipation of a possible U.S. government shutdown. On September 29, 2023, the Exchange filed the proposed fee change (SR-CboeEDGX-2023-063). On October 13, 2023, the Exchange withdrew that filing and submitted SR-CboeEDGX-2023-064. On December 12, 2023, the Exchange withdrew that filing and submitted SR-CboeEDGX-2023-080. On February 12, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-014. On April 9, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-021. On June 7, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-036. On August 29, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-057. On October 25, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-072. On December 18, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-086. On February 14, 2025, the Exchange withdrew that filing and submitted SR-CboeEDGX-2025-012. On March 13, 2025, the Exchange withdrew that filing and submitted this filing.

By way of background, a physical port is utilized by a Member or non-Member to connect to the Exchange at the data centers where the Exchange's servers are located. The Exchange currently assesses the following physical connectivity fees for Members and non-Members on a monthly basis: \$2,500 per physical port for a 1 gigabit ("Gb") circuit and \$7,500 per physical port for a 10 Gb circuit. The Exchange proposes to increase the monthly fee for 10 Gb physical ports from \$7,500 to \$8,500 per port. The Exchange notes the proposed fee change better enables it to continue to maintain and improve its market technology and services and also notes that the proposed fee amount, even as amended, continues to be in line with, or even lower than, amounts assessed by other exchanges for similar connections.<sup>4</sup> The Exchange also notes that a single 10 Gb physical port can be used to access the Systems of the following affiliate exchanges: the Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc. (options and equities platforms), Cboe EDGA Exchange, Inc., and Cboe C2 Exchange, Inc., ("Affiliate Exchanges").<sup>5</sup> Notably, only one monthly fee currently (and will continue) to apply per 10 Gb physical port regardless of how many affiliated exchanges are accessed through that one port.<sup>6</sup>

#### 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.<sup>7</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>8</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and

<sup>4</sup> See e.g., The Nasdaq Stock Market LLC ("Nasdaq"), General 8, Connectivity to the Exchange. Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10 Gb Ultra fiber connection to the respective exchange, which is analogous to the Exchange's 10 Gb physical port. See also New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gb LX LCN Circuits (which are analogous to the Exchange's 10 Gb physical port) are assessed \$22,000 per month, per port.

<sup>5</sup> The Affiliate Exchanges are also submitting contemporaneous identical rule filings.

<sup>6</sup> The Exchange notes that conversely, other exchange groups charge separate port fees for access to separate, but affiliated, exchanges. See e.g., Securities and Exchange Release No. 99822 (March 21, 2024), 89 FR 21337 (March 27, 2024) (SR-MIAX-2024-016).

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(5).

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)<sup>9</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4)<sup>10</sup> of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. This belief is based on various factors as described below.

First, the Exchange believes its proposal is reasonable as it reflects a moderate increase in physical connectivity fees for 10 Gb physical ports and its offering, even as amended, continues to be more affordable as compared to analogous physical connectivity offerings at competitor exchanges.<sup>11</sup>

The Exchange also believes the current fee does not properly reflect the quality of the service and product, as fees for 10 Gb physical ports have been static in nominal terms since 2018, and therefore falling in real terms due to inflation. As a general matter, the Producer Price Index ("PPI") is a family of indexes that measures the average change over time in selling prices received by domestic producers of goods and services. PPI measures price change from the perspective of the seller. This contrasts with other metrics, such as the Consumer Price Index (CPI), that measure price change from the purchaser's perspective.<sup>12</sup> About 10,000 PPIs for individual products and groups of products are tracked and released

<sup>9</sup> *Id.*

<sup>10</sup> 15 U.S.C. 78f(b)(4).

<sup>11</sup> See e.g., The Nasdaq Stock Market LLC ("Nasdaq"), General 8, Connectivity to the Exchange. Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10 Gbps Ultra fiber connection to the respective exchange, which is analogous to the Exchange's 10 Gbps physical port. See also New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gbps LX LCN Circuits (which are analogous to the Exchange's 10 Gbps physical port) are assessed \$22,000 per month, per port.

<sup>12</sup> See <https://www.bls.gov/ppi/overview.htm>.

each month.<sup>13</sup> PPIs are available for the output of nearly all industries in the goods-producing sectors of the U.S. economy—mining, manufacturing, agriculture, fishing, and forestry—as well as natural gas, electricity, and construction, among others. The PPI program covers approximately 69 percent of the service sector's output, as measured by revenue reported in the 2017 Economic Census.

For purposes of this proposal, the relevant industry-specific PPI is the Data Processing, hosting and related services (“Data PPI”) and more particularly the more granular service line Data Processing, Hosting and Related Services: Hosting, Active Server Pages (ASP), and Other Information Technology (IT) Infrastructure Provisioning Services.<sup>14</sup>

The Data PPI was introduced in January 2002 by the Bureau of Labor Statistics (“BLS”) as part of an ongoing effort to expand Producer Price Index coverage of the services sector of the U.S. economy and is identified as NAICS—518210 in the North American Industry Classification System (“NAICS”).<sup>15</sup> According to the BLS “[t]he primary output of NAICS 518210 is the provision of electronic data processing services. In the broadest sense, computer services companies help their customers efficiently use technology. The processing services market consists of vendors who use their own computer systems—often utilizing proprietary software—to process customers’ transactions and data. Price movements for the NAICS 518210 index are based on changes in the revenue received by companies that provide data processing services and price movements for the service line NAICS 518210 index are based on changes in the revenue received by companies that provide, among other things, IT infrastructure provisioning services. Each month, companies provide net transaction prices for a

specified service. The transaction is an actual contract selected by probability, where the price-determining characteristics are held constant while the service is repriced. The prices used in index calculation are the actual prices billed for the selected service contract.”<sup>16</sup>

The service (product) lines for which price indexes are available under the Data PPI are: (1) business process management services (2) data management and storage information transformation and other services and (3) hosting ASP and other IT infrastructure provisioning services. The most apt of these industry and product specific categorizations for purposes of this present proposal to modify fees for the 10 Gb physical port fee measures inflation for the provision of data processing, hosting and related services as well as other information technology infrastructure provisioning services which BLS identifies as identified as NAICS—5182105.<sup>17</sup> The Exchange believes that this measure of inflation is particularly appropriate because the Exchange’s connectivity services involve hosting and providing connections to its customers’ telecommunications and information technology equipment, as well as preparing, assigning, and activating IT infrastructure components, such as servers, storage, and network connectivity. The Exchange also uses its “proprietary software,” *i.e.*, its own proprietary matching engine software, to receive orders on the Exchange’s proprietary trading platform as well as to collect, organize, store and report customers’ transactions. In other words, the Exchange is in the business of data processing, hosting, ASP, and providing other IT infrastructure provisioning services. Specifically, within this category, the Exchange points to the financial business process management services category under the umbrella of data processing.<sup>18</sup> The financial business process management services is described as “providing a bundled service package that combines information-technology-intensive services with labor (manual or professional depending on the solution), machinery, and facilities to support, host and manage a financial business process for a client, such as financial transaction processing, credit card processing, payment services, and

lending services.”<sup>19</sup> The Exchange’s connectivity service provides connections to its customers’ telecommunications and information technology equipment, as well as preparing, assigning, and activating IT infrastructure components to facilitate the transmission of orders and receipt of financial transactions for its customers’ while connected to the Exchange.

Further, the Exchange believes that this specific index is best suited to guide this price increase as it reflects the change in this specific instance over the last seven years instead of looking at the underlying components of the service. PPI has published broad guidance regarding price adjustments for contracts,<sup>20</sup> and within this it noted that contracting parties should choose an index or group of indexes that represent the cost for providing a particular product or service, rather than an index for the product itself.<sup>21</sup> While this helps a contracting seller avoid a circumstance where it is unable to raise its price for the product itself if the underlying components have increased and the PPI for the product itself has not yet increased—this is not the case here. The Exchange instead is using historical data over a seven-year period as a reference point for its proposed increase moving forward—underlying components that have increased over the course of seven years have since (by and large) been reflected in the product itself.

The Exchange further believes the Data PPI is an appropriate measure for purposes of the proposed rule change on the basis that it is a stable metric with limited volatility, unlike other consumer-side inflation metrics. In fact, the Data PPI has not experienced a greater than 2.16% increase for any one calendar year period since Data PPI was introduced into the PPI in January 2002. For example, the average calendar year change from January 2002 to December 2023 was .62%, with a cumulative increase of 15.67% over this 21-year period. The Exchange believes the Data PPI is considerably less volatile than other inflation metrics such as CPI, which has had individual calendar-year increases of more than 6.5%, and a

<sup>13</sup> *Id.*

<sup>14</sup> Provisioning is the process of preparing, assigning, and activating IT infrastructure components, such as servers, storage, and network connectivity, according to user requirements. It is a critical part of IT operations, as it ensures that computing resources are available when needed and that they are set up and connected to work correctly.

<sup>15</sup> See <https://www.bls.gov/ppi/overview.htm>. Among the industry-specific PPIs is for North American Industry Classification System (“NAICS”) Code 518210: “Data Processing and Related Services.” NAICS index codes categorize products and services that are common to particular industries. According to BLS, these codes “provide comparability with a wide assortment of industry-based data for other economic programs, including productivity, production, employment, wages, and earnings.”

<sup>16</sup> See <https://www.bls.gov/ppi/factsheets/producer-price-index-for-the-data-processing-and-related-services-industry-naics-518210.htm>.

<sup>17</sup> See <https://data.bls.gov/timeseries/PCU5182105182105>.

<sup>18</sup> See <https://voorborggroup.org/Documents/2018%20Rome/Papers/1014.pdf>.

<sup>19</sup> *Id.*

<sup>20</sup> See <https://www.bls.gov/ppi/publications/price-adjustment-guide-for-contracting-parties.htm#FOOT5>.

<sup>21</sup> “For example, if an apparel manufacturer were contracting for long-term purchases with a producer of finished fabrics, it would be more advisable to tie the price adjustment clause to a PPI for synthetic fibers, processed yarns and threads, or greige fabrics (raw fabric), rather than to a PPI for a type of finished fabric.” *Id.*

cumulative increase of over 73% over the same period.<sup>22</sup>

As noted above, the current 10 Gb physical port fee remained unchanged for almost seven years, particularly since June 2018.<sup>23</sup> Since its last increase almost 7 years ago however, there has been notable inflation, including under the industry- and product-specific PPI, which as described above is a tailored measure of inflation. Particularly, the Hosting, ASP and other IT Infrastructure Provisioning Services inflation measure had a starting value of 102.2 in June 2018 (the month the Exchange started assessing the current fee) and an ending value of 118.502 in January 2025, representing a 16% increase.<sup>24</sup> This indicates that companies who are also in the hosting ASP and other IT infrastructure provisioning services have generally increased prices for a specified service covered under NAICS 5182105 by an average of 16% during this period.

The Exchange also believes that it is reasonable to increase its fees to compensate for inflation because, over time, inflation has degraded the value of each dollar that the Exchange collects in fees, such that the real revenue collected today is considerably less than that same revenue collected in 2018. The impact of this inflationary effect is also independent of any change in the Exchange's costs in providing its goods and services. The Exchange therefore believes that it is reasonable for it to offset, in part, this erosion in the value of the revenues it collects. Additionally, the Exchange historically does not increase fees every year notwithstanding inflation.<sup>25</sup> Other exchanges have also filed for increases in certain fees, based in part on comparisons to inflation.<sup>26</sup> Accordingly, based on the above-described percentage change based on an industry- and product-specific

inflationary measure, and in conjunction with the rationale further described above and below, the Exchange believes the proposed fee increase is reasonable.

Next, the Exchange believes significant investments into, and enhanced performance of, the Exchange, in the years following the last 10 Gb physical port fee increase support the reasonableness of the proposed fee increase. These investments enhanced the quality of its services, as measured by, among other things, increased throughput and faster processing speeds. Customers have therefore greatly benefitted from these investments, while the Exchange's ability to recoup its investments has been hampered.

For example, the Exchange and its affiliated exchanges recently launched a multi-year initiative to improve Cboe Exchange Platform performance and capacity requirements to increase competitiveness, support growth and advance a consistent world class platform. The goal of the project, among other things, is to provide faster and more consistent order handling and matching performance for options, while ensuring quicker processing time and supporting increasing volumes and capacity needs. For example, the Exchange recently performed switch hardware upgrades. Particularly, the Exchange replaced existing customer access switches with newer models, which the Exchange believes resulted in increased determinism. The recent switch upgrades also increased the Exchange's capacity to accommodate more physical ports by nearly 50%. Network bandwidth was also increased nearly two-fold as a result of the upgrades, which among other things, can lead to reduce message queuing. The Exchange also believes these newer models result in less natural variance in the processing of messages. The Exchange notes that it incurred costs associated with purchasing and upgrading to these newer models, of which the Exchange has not otherwise passed through or offset.

As of April 1, 2024, market participants also having the option of connecting to a new data center (*i.e.*, Secaucus NY6 Data Center ("NY6")), in addition to the current data centers at NY4 and NY5. The Exchange made NY6 available in response to customer requests in connection with their need for additional space and capacity. In order to make this space available, the Exchange expended significant resources to prepare this space, and will also incur ongoing costs with respect to maintaining this offering, including

costs related to power, space, fiber, cabinets, panels, labor and maintenance of racks. The Exchange also incurred a large cost with respect to ensuring NY6 would be latency equalized, as it is for NY4 and NY5.

The Exchange also has made various other improvements since the current physical port rates were adopted in 2018. For example, the Exchange has updated its customer portal to provide more transparency with respect to firms' respective connectivity subscriptions, enabling them to better monitor, evaluate and adjust their connections based on their evolving business needs. The Exchange also performs proactive audits on a weekly basis to ensure that all customer cross connects continue to fall within allowable tolerances for Latency Equalized connections. Accordingly, the Exchange expended, and will continue to expend, resources to innovate and modernize technology so that it may benefit its Members and continue to compete among other options markets. The ability to continue to innovate with technology and offer new products to market participants allows the Exchange to remain competitive in the options space which currently has 18 registered options markets and potential new entrants. If the Exchange were not able to assess incrementally higher fees for its connectivity, it would effectively impact how the Exchange manages its technology and hamper the Exchange's ability to continue to invest in and fund access services in a manner that allows it to meet existing and anticipated access demands of market participants. Disapproval of fee changes such as the proposal herein, could also have the adverse effect of discouraging an exchange from improving its operations and implementing innovative technology to the benefit of market participants if it believes the Commission would later prevent that exchange from recouping costs and monetizing its operational enhancements, thus adversely impacting competition as well as the interests of market participants and investors.

Finally, the proposed fee is also the same as is concurrently being proposed for its Affiliate Exchanges. Further, Members are able to utilize a single port to connect to all of its Affiliate Exchanges and will only be charged one single fee (*i.e.*, a market participant will only be assessed the proposed \$8,500 even if it uses that physical port to connect to the Exchange and another (or even all 6) of its Affiliate Exchanges. Particularly, the Exchange believes the proposed monthly per port fee is

<sup>22</sup> See <https://www.usinflationcalculator.com/inflation/consumer-price-index-and-annual-percent-changes-from-1913-to-2008/>.

<sup>23</sup> See Securities and Exchange Release No. 83430 (June 14, 2018), 83 FR 28697 (June 20, 2018) (SR-CboeEDGX-2018-017).

<sup>24</sup> See <https://data.bls.gov/timeseries/PCU5182105182105>.

<sup>25</sup> As the Exchange historically does not increase fees every year notwithstanding inflation, the Exchange believes that the more specific index is appropriate to look at as it is reflective of the cumulative increase over the course of almost seven years. While the PPI has published guidance that a broader index may be more helpful to reference in a contract to avoid large swings on a shorter duration (and to which such a swing over a brief duration may trigger additional obligations), the Exchange, in contrast, is instead looking forward to adjust its price to reflect changes in the industry over the past seven years. See *supra* note 20.

<sup>26</sup> See, *e.g.*, Securities Exchange Act Release Nos. 34-100994 (September 10, 2024), 89 FR 75612 (September 16, 2024) (SR-NYSEARCA-2024-79).

reasonable, equitable and not unfairly discriminatory since as the Exchange has determined to not charge multiple fees for the same port. Indeed, the Exchange notes that several ports are in fact purchased and utilized across one or more of the Exchange's affiliated Exchanges (and charged only once).

The Exchange also believes that the proposed fee change is not unfairly discriminatory because it would be assessed uniformly across all market participants that purchase the physical ports. The Exchange believes increasing the fee for 10 Gb physical ports and charging a higher fee as compared to the 1 Gb physical port is equitable as the 1 Gb physical port is 1/10th the size of the 10 Gb physical port and therefore does not offer access to many of the products and services offered by the Exchange (e.g., ability to receive certain market data products). Thus, the value of the 1 Gb alternative is lower than the value of the 10 Gb alternative, when measured based on the type of Exchange access it offers. Moreover, market participants that purchase 10 Gb physical ports utilize the most bandwidth and therefore consume the most resources from the network. The Exchange also anticipates that firms that utilize 10 Gb ports will benefit the most from the Exchange's investment in offering NY6 as the Exchange anticipates there will be much higher quantities of 10 Gb physical ports connecting from NY6 as compared to 1 Gb ports. Indeed, the Exchange notes that 10 Gb physical ports account for approximately 90% of physical ports across the NY4, NY5, and NY6 data centers, and to date, 80% of new port connections in NY6 are 10 Gb ports. As such, the Exchange believes the proposed fee change for 10 Gb physical ports is reasonably and appropriately allocated.

#### *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 fee change will not impact intramarket competition because it will apply to all similarly situated Members equally (i.e., all market participants that choose to purchase the 10 Gb physical port). Additionally, the Exchange does not believe its proposed pricing will impose a barrier to entry to smaller participants and notes that its proposed connectivity pricing is associated with relative usage of the various market participants. For example, market participants with modest capacity needs can continue to buy the less expensive

1 Gb physical port (which cost is not changing) or may choose to obtain access via a third-party re-seller. While pricing may be increased for the larger capacity physical ports, such options provide far more capacity and are purchased by those that consume more resources from the network. Accordingly, the proposed connectivity fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation reflects the network resources consumed by the various size of market participants—lowest bandwidth consuming members pay the least, and highest bandwidth consuming members pays the most.

The proposed fee change also does not impose a burden on competition or on other Self-Regulatory Organizations that is not necessary or appropriate. As described above, the Exchange evaluated its proposed fee change using objective and stable metric with limited volatility. Utilizing Data Processing PPI over a specified period of time is a reasonable means of recouping a portion of the Exchange's investment in maintaining and enhancing the connectivity service identified above. The Exchange believes utilizing Data Processing PPI, a tailored measure of inflation, to increase certain connectivity fees to recoup the Exchange's investment in maintaining and enhancing its services and products would 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 comments on the proposed rule change.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>27</sup> and paragraph (f) of Rule 19b-4<sup>28</sup> 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](mailto:rule-comments@sec.gov). Please include file number SR-CboeEDGX-2025-023 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-2025-023. 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-2025-023 and should be submitted on or before April 21, 2025.

<sup>27</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>28</sup> 17 CFR 240.19b-4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>29</sup>

Sherry R. Haywood,

Assistant Secretary.

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102721; File No. SR-CBOE-2025-019]

### Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Make Certain Administrative Changes Regarding SPESG, SPEQF, and SPEQX Options

March 25, 2025.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (“Act”),<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that on March 14, 2025, Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) 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 (1) to make certain changes regarding the renaming of the S&P 500 ESG Index to the S&P 500 Scored & Screened Index and (2) to update certain rules to add the S&P 500 Equal Weight Index (based on both the full value and one-tenth the value of the index) (“SPEQF options” and “SPEQX options,” respectively), which are eligible to be listed for trading pursuant to Rule 4.13(f) and Rule 19b-4(e) under the Securities Exchange Act (the “Act”)<sup>4</sup> to those rules.

The text of the proposed rule change is available on the Exchange’s website (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes (1) to make certain changes regarding the renaming of the S&P 500 ESG Index to the S&P 500 Scored & Screened Index and (2) to update certain rules to add the S&P 500 Equal Weight Index (based on both the full value and one-tenth the value of the index), options on which are eligible to be listed for trading pursuant to Rule 4.13(f) and Rule 19b-4(e) under the Act, to those rules.

First, the proposed rule change amends Rules 4.12(c), 4.13(a)(2), (3), and (4), 5.1(b)(2)(A), and 5.50(g) to amend the name of the S&P 500 ESG Index, which S&P Dow Jones Indices (the reporting authority for that index) recently renamed as the S&P 500 Scored and Screened Index. These proposed changes are administrative and have no impact on how SPESG options trade on the Exchange.

Second, the proposed rule change amends various rules to add the S&P 500 Equal Weight Index (based on both the full value and one-tenth the value of the index) to those rules. The S&P 500 Equal Weight Index is a broad-based index (as defined in Rule 4.11) that satisfies the initial listing criteria of a broad-based index set forth in Rule 4.10(f). Therefore, in accordance with Rule 4.10(f) and Rule 19b-4(e) under the Act, options on the S&P 500 Equal Weight Index (both full and reduced value) are eligible for trading on the Exchange without a rule filing.<sup>5</sup> The proposed rule change makes the following administrative changes in connection with the eligibility of SPEQF

and SPEQX options for trading on the Exchange:

- add the reporting authority (S&P Dow Jones Indices) for the S&P 500 Equal Weight Index (both full and reduced value) to Rule 4.12(c);
- add S&P 500 Equal Weight Index (both full and reduced value) to the list of index options that will be European-style index in Rule 4.13(a)(3);
- add S&P 500 Equal Weight Index (both full and reduced value) to the list of index options that will be a.m.-settled in Rule 4.13(a)(4); and
- amend Rule 4.13, Interpretation and Policy .06 to state that the current index value of SPEQX options will be 1/10th the value of the S&P 500 Equal Weight Index as reported by the reporting authority.

These proposed changes are administrative and have no impact on how SPEQF or SPEQX options may trade on the Exchange.

###### 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.<sup>6</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>7</sup> 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)<sup>8</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, because it will add transparency to the rules regarding certain indexes on which the Exchange may list options for trading. The proposed rule change to update the name of the S&P 500 Scored and Screened Index from S&P 500 ESG

<sup>29</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> See 17 CFR 240.19b-4(e).

<sup>5</sup> On March 13, 2025, the Exchange submitted Forms 19b-4(e) to the Commission regarding the listing of options on the full value version of the S&P 500 Equal Weight Index (“SPEQF options”) and the reduced value version of the S&P 500 Equal Weight Index (“SPEQX options”).

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

<sup>8</sup> *Id.*

Index will add transparency to the rules, as it will eliminate any potential confusion that may result from having an old name of an index in the Rules. This proposed rule change is administrative only and in response to the reporting authority's decision to update the name of the index. This has no impact on how options overlying that index may trade on the Exchange. The proposed rule changes to add the S&P 500 Equal Weight Index (full and reduced value) to certain Rules will further add transparency to the rules regarding an index on which the Exchange may list options in accordance with Rule 19b-4(e) under the Exchange Act and regarding certain terms (e.g., type, settlement) of the options on those indexes. This transparency ultimately benefits investors.

#### *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 to update the name of the S&P 500 Scored and Screened Index from the S&P 500 ESG Index will impose no burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as it is solely an administrative change that has no impact on how options overlying that index may trade on the Exchange. The proposed rule changes to update certain rules to add the S&P 500 Equal Weight Index (based on both the full value and one-tenth the value of the index), options on which are eligible to be listed for trading pursuant to Rule 4.13(f) and Rule 19b-4(e) under the Act, to those rules will similarly impose no burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purpose of the Act, as there are solely administrative changes that have no impact on how options overlying those indexes may trade on the Exchange.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received written comments on the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>9</sup>

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](mailto:rule-comments@sec.gov). Please include file number SR-CBOE-2025-019 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-2025-019. 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-CBOE-2025-019 and should be submitted on or before April 21, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025-05446 Filed 3-28-25; 8:45 am]

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## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-102723; File No. SR-FINRA-2025-001]

### **Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Exempt Certain Business Development Companies From FINRA Rules 5130 (Restrictions on the Purchase and Sale of Initial Equity Public Offerings) and 5131 (New Issue Allocations and Distributions)**

March 25, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that, on March 20, 2025, the Financial Industry Regulatory Authority, Inc. ("FINRA") 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 FINRA. 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**

FINRA is proposing to exempt certain business development companies ("BDCs") from FINRA Rule 5130 (Restrictions on the Purchase and Sale of Initial Equity Public Offerings) and

<sup>10</sup> 17 CFR 200.30-3(a)(12), (59).

<sup>11</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

from paragraph (b) (Spinning) of FINRA Rule 5131 (New Issue Allocations and Distributions).

Below is the text of the proposed rule change. Proposed new language is in italics; proposed deletions are in brackets.

\* \* \* \* \*

5000. SECURITIES OFFERING AND TRADING STANDARDS AND PRACTICES

5100. SECURITIES OFFERINGS, UNDERWRITING AND COMPENSATION

\* \* \* \* \*

5130. Restrictions on the Purchase and Sale of Initial Equity Public Offerings

- (a) through (b) No Change.  
(c) General Exemptions

The general prohibitions in paragraph (a) of this Rule shall not apply to sales to and purchases by the following accounts or persons, whether directly or through accounts in which such persons have a beneficial interest:

- (1) through (9) No Change.

(10) A tax exempt charitable organization under Section 501(c)(3) of the Internal Revenue Code; [or]

(11) A church plan under Section 414(e) of the Internal Revenue Code[.]; or

(12) A business development company as that term is defined in Section 2(a)(48) of the Investment Company Act the shares of which are registered under the Securities Act.

- (d) through (j) No Change.

5131. New Issue Allocations and Distributions

- (a) No Change.  
(b) Spinning  
(1) No Change.

(2) The prohibitions in this paragraph shall not apply to allocations of shares of a new issue to any account described in Rule 5130(c)(1) through (3) and (5) through ([11]12), or to any other account in which the beneficial interests of executive officers and directors of the company and persons materially supported by such executive officers and directors in the aggregate do not exceed 25% of such account.

(c) through (f) No Change.

\* \* \* \* \*

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, FINRA 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. FINRA 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

Background

Rule 5130 protects the integrity of the public offering process by ensuring that: (1) members make bona fide public offerings of securities at the offering price; (2) members do not withhold securities in a public offering for their own benefit or use such securities to reward persons who are in a position to direct future business to members; and (3) industry insiders, including members and their associated persons, do not take advantage of their insider position to purchase new issues for their own benefit at the expense of public customers.<sup>3</sup>

Paragraph (a) of Rule 5130 provides that, except as otherwise permitted under the rule, a member (or an associated person) may not sell a new issue to an account in which a restricted person<sup>4</sup> has a beneficial interest;<sup>5</sup> a member or an associated person may not purchase a new issue in any account in which such member or associated person has a beneficial interest; and a member may not continue to hold new issues acquired as an underwriter, selling group member, or otherwise. Paragraph (b) sets forth preconditions for sale. Before selling a new issue to any account, a member must in good faith have obtained within the 12 months before the sale, a representation from the account holder(s), or a person authorized to represent the beneficial owners of the account, that the account is eligible to purchase new issues in compliance with Rule 5130.

Rule 5131 addresses conflicts and abuses in the allocation and distribution of new issues. Paragraph (b) of Rule

<sup>3</sup> The term "new issue" is defined as "any initial public offering of an equity security as defined in Section 3(a)(11) of the Exchange Act, made pursuant to a registration statement or offering circular," subject to a number of exceptions. See Rule 5130(i)(9). The term has the same meaning for purposes of Rule 5131.

<sup>4</sup> The term "restricted person" is defined in Rule 5130(i)(10). It includes "members or other broker-dealers," "broker-dealer personnel," "finders and fiduciaries," "portfolio managers," and "persons owning a broker-dealer," as those terms are defined in Rule 5130(i)(10)(A)-(E).

<sup>5</sup> The term "beneficial interest" is defined in Rule 5130(i)(1) and has the same meaning for purposes of Rule 5131.

5131 prohibits the practice of "spinning," which is the allocation of new issues by a member firm to an account in which a covered person that is the member firm's current, former or prospective investment banking client has a beneficial interest. The term "covered person" refers to an executive officer or director of a public company or a covered non-public company, or a person materially supported by such executive officer or director.<sup>6</sup>

Rule 5130(c), and, by reference, Rule 5131(b)(2), currently provide several general exemptions which reflect the proposition that sales to and purchases by entities that have numerous beneficial owners are generally not the type of transactions that the Rule should prohibit.<sup>7</sup> Of particular relevance to the proposed rule change, there is a general exemption for an investment company registered under the Investment Company Act of 1940 ("Investment Company Act")<sup>8</sup> and a general exemption for a publicly traded entity listed on a national securities exchange.<sup>9</sup> Unless a general exemption applies to BDCs, they would be required to represent that they are eligible to purchase new issues, which may not be feasible due to their size and operational structure.

In general, there are three types of BDCs: traded, non-traded, or private.<sup>10</sup> The proposed exemption described below would exempt non-traded BDCs, thus treating them more similarly to

<sup>6</sup> Rule 5131(b)(1).

<sup>7</sup> See *Notice to Members* 03-79 (December 2003).

<sup>8</sup> See Rule 5130(c)(1). There is also an exemption for an investment company organized under the laws of a foreign jurisdiction. See Rule 5130(c)(6). To qualify for this exemption, there are several provisions: "(A) the investment company is listed on a foreign exchange for sale to the public or authorized for sale to the public by a foreign regulatory authority; (B) the person owning more than 5% of the shares of the investment company is a restricted person, the investment company has 100 or more direct investors, or the investment company has 1,000 or more indirect investors; and (C) the investment company was not formed for the specific purpose of permitting restricted persons to invest in new issues[.]"

<sup>9</sup> See Rule 5130(c)(5). A BDC may also rely on the 10% de minimis exemption under Rule 5130(c)(4) or the 25% de minimis exemption under Rule 5131(b)(2) if they have collected restricted person and covered person information for their investors. However, due to their size and operational structure, FINRA believes that some BDCs may have difficulties determining whether restricted persons and covered persons meet the rules' thresholds.

<sup>10</sup> In this filing, "traded BDC" refers to a BDC with registered shares under the Securities Act of 1933 ("Securities Act") that is publicly traded on a national securities exchange, "non-traded BDC" refers to a BDC with registered shares under the Securities Act that is not publicly traded, and "private BDC" refers to a BDC that is offered as a private placement. For purposes of the proposed rule change, the term "BDC" refers generally to all types of BDCs.

traded BDCs and to investment companies registered under the Investment Company Act, both of which are exempt under paragraphs (c)(5) and (c)(1) of Rule 5130, respectively. The proposed rule change would not apply to private BDCs.<sup>11</sup>

#### BDCs

Congress created BDCs in 1980 as a special category of pooled investment vehicles designated to facilitate access to capital and financing for small and growing companies.<sup>12</sup> BDCs are domestic closed-end investment companies that elect to be regulated under the Investment Company Act.<sup>13</sup>

Section 54(a) allows a company to be regulated as a BDC if it meets the provisions of Sections 55 through 65 of the Investment Company Act and also files a registration statement (Form N-2) for a class of equity securities pursuant to Section 12 of the Exchange Act.<sup>14</sup> Both traded and non-traded BDCs offer securities registered under the Securities Act by registering a class of securities on Form N-2. Traded BDCs list their securities on a national securities exchange while non-traded BDCs do not.

As discussed, traded BDCs can comply with an exemption in Rule 5130 for publicly traded entities, but non-traded and private BDCs cannot. This proposed rule change would create an exemption for non-traded BDCs.

Only 30 percent of BDC assets can potentially be invested in new issues. This is because Section 55(a) of the Investment Company Act requires at least 70 percent of the assets held by BDCs (other than non-investment assets used to conduct the BDC's operations) to be:

(1) privately issued securities purchased from issuers who are "eligible portfolio companies," discussed below;

(2) securities of eligible portfolio companies that are controlled by the BDC and of which an affiliated person of the BDC is a director;

(3) privately issued securities from affiliated non-investment company issuers subject to a bankruptcy, reorganization, insolvency or similar proceeding or otherwise unable to meet its obligations without assistance;

(4) securities of eligible portfolio companies acquired in private transactions when no ready market for the securities exists, and the BDC owned at least 60 percent of the outstanding equity of the issuer immediately before the acquisition;

(5) securities received in exchange or distributed with respect to any of the foregoing securities (including securities obtained pursuant to the exercise of options, warrants or rights relating to such securities);

(6) Cash, cash items, government securities, and other high quality debt securities; and

(7) office furniture and equipment, interests in real estate and leasehold improvements and facilities maintained to conduct the business operations of the BDC, deferred organization and operating expenses, and other noninvestment assets necessary and appropriate to its operations as a BDC.<sup>15</sup>

In satisfying the 70 percent test, BDCs must primarily invest in "eligible portfolio companies."<sup>16</sup> That term is defined under Section 2(a)(46) of the Investment Company Act as an issuer that is organized under the laws of, and has its principal place of business in, any state or states, is neither an investment company as defined in Section 3 of the Investment Company Act nor a company excluded from the definition of investment company under Section 3(c) of the Investment Company Act and satisfies one of four categories: (1) it does not have any class of securities with respect to which a member of a national securities exchange, broker, or dealer may extend or maintain credit to or for a customer pursuant to rules or regulations adopted by the Federal Reserve System; (2) it is controlled by a BDC, either alone or as part of a group acting together, and such BDC in fact exercises a controlling influence over the management or policies of such eligible portfolio company and, as a result of such

control, has an affiliated person who is a director of such eligible portfolio company; (3) it has total assets of not more than \$4 million and capital and surplus of not less than \$2 million; or (4) it meets such other criteria as the Commission may establish by rule.<sup>17</sup>

#### Proposed Amendments to Rules 5130(c) and 5131(b)

FINRA proposes to adopt a categorical exemption for non-traded BDCs under Rule 5130(c)(12) and, by reference, under Rule 5131(b). The proposed exemption would apply to a business development company as that term is defined in Section 2(a)(48) of the Investment Company Act the shares of which are registered under the Securities Act. The proposed exemption would allow non-traded BDCs, and therefore investors in non-traded BDCs, to more easily obtain access to new issues in so much as they could be included in the allowable 30 percent of a non-traded BDC's portfolio. In addition, the proposed exemption would expand the pool of investors who can participate in initial public offerings ("IPOs") through their investment in a non-traded BDC.

As discussed, there is already an exemption for publicly traded entities<sup>18</sup> and for investment companies registered under the Investment Company Act.<sup>19</sup> Non-traded BDCs are subject to similar regulatory requirements under the Investment Company Act, they are required to register a class of their equity securities under Section 12 of Exchange Act, and they are required to file periodic reports under the Exchange Act. The proposed exemption would thus allow non-traded BDCs to more easily diversify their portfolios with new issues to the extent that such investments are consistent with all other applicable regulations.

In light of the regulatory similarities between non-traded BDCs, traded BDCs, and investment companies registered under the Investment Company Act, FINRA proposes to adopt a categorical exemption for non-traded BDCs under Rule 5130(c)(12) and, by reference, under Rule 5131(b). Specifically, as proposed, a BDC as that term is defined in Section 2(a)(48) of the Investment Company Act, the shares of which are registered under the Securities Act, would be exempt from the requirements of Rules 5130(a) and 5131(b).

If the Commission approves the proposed rule change, FINRA will announce the effective date of the

<sup>11</sup> FINRA does not propose to extend the exemption to private BDCs at this time because they do not register their equity offerings with the SEC under the Securities Act and thus do not offer or sell their shares to the public. The other relevant exemptions from the new issue rules are for accounts that are available to the public (*i.e.*, investment companies registered under the Investment Company Act, publicly traded entities, and foreign investment companies listed on a foreign exchange for sale to the public or authorized for sale to the public by a foreign regulatory authority). See *supra* notes 8–9 and accompanying text.

<sup>12</sup> See Small Business Investment Incentive Act of 1980, Public Law 96–477, 94 Stat. 2275 (1980); see also Letter from Afshin Atabaki, FINRA, to Wallace W. Kunzman, Jr., Kunzman & Bollinger, Inc., dated December 1, 2014 (providing interpretive guidance regarding whether Direct Participation Programs Representatives are eligible to sell shares of a non-listed BDC that has elected to be taxed as a regulated investment company).

<sup>13</sup> See Investment Company Act Section 2(a)(48), 15 U.S.C. 80a–2(a)(48).

<sup>14</sup> See Investment Company Act Sections 54(a) and 64(a), 15 U.S.C. 80a–53(a) and 80a–63(a).

<sup>15</sup> 15 U.S.C. 80a–54(a)(1)–(7).

<sup>16</sup> See 15 U.S.C. 80a–2(a)(46) (defining "eligible portfolio company").

<sup>17</sup> 15 U.S.C. 80a–2(a)(46).

<sup>18</sup> See Rule 5130(c)(5).

<sup>19</sup> See Rule 5130(c)(1).

proposed rule change in a *Regulatory Notice*.

## 2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,<sup>20</sup> which requires, among other things, that FINRA 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.

FINRA believes that the proposed exemption for non-traded BDCs would expand access to investment options and maintain the integrity of the public offering process without diminishing investor protection. The proposed rule change would allow non-traded BDCs to more easily invest in new issues and thus diversify their portfolios. This will benefit investors in non-traded BDCs and promote capital formation by giving more investors access to IPOs. By expanding access to IPOs through a highly regulated entity, the proposed rule change maintains the integrity of the public offering process while facilitating vibrant capital markets.<sup>21</sup>

### B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA 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.

### Economic Impact Assessment

FINRA has undertaken an economic impact assessment, as set forth below, and identified the potentially material impacts of the proposal on the affected parties. FINRA 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.

## 1. Regulatory Need

As discussed, Rule 5130 protects the integrity of the public offering process and Rule 5131 addresses conflicts and abuses in the allocation and distribution of new issues. Both rules have exemptions, which FINRA believes strike the appropriate balance by promoting capital formation while maintaining the protections that Rules

5130 and 5131 are designed to provide. Under the current rules, investment companies registered under the Investment Company Act and traded BDCs are exempt. FINRA believes it is appropriate to adopt a similar exemption for non-traded BDCs, which will promote capital formation while maintaining protections for investors.

## 2. Economic Baseline

The economic baseline for the proposed rule change is the current requirements and provisions to which non-traded BDCs are subject and the current market for IPOs. Using information on active BDCs provided by the SEC along with other regulatory filings, FINRA estimates that there were approximately 26 active non-traded BDCs in 2024.<sup>22</sup> Section 55(a) of the Investment Company Act requires that at least 70 percent of a BDC's total assets must be invested in certain types of investments, such as privately issued securities, distressed debt, and government securities. Thus, under the current FINRA rules, a non-traded BDC can invest up to 30 percent of its assets in new issues provided it can demonstrate that it is eligible to purchase new issues. FINRA understands that non-traded BDCs currently face challenges in demonstrating eligibility to purchase new issues due financial, operational, and administrative constraints. As discussed above, non-traded BDCs do not currently qualify for a categorical exemption.

The market for IPOs is economically important. Between 2017 and 2021, annual IPO proceeds ranged from \$23 billion to \$119 billion, and the average first-day return on IPO shares ranged between 13% and 42%.<sup>23</sup>

## 3. Economic Impacts

### A. Anticipated Benefits

The proposed rule change would allow non-traded BDCs that invest in new issues under the 30 percent threshold permitted under the Investment Company Act, to incur less regulatory burden in demonstrating their eligibility to receive new issue allocations. Specifically, these non-traded BDCs would save the operational

expense of having to demonstrate that they do not have any restricted or covered persons as beneficial owners, or that the beneficial interests of restricted persons is *de minimis*.<sup>24</sup> To the extent such non-traded BDCs would invest in new issues but for the expense of demonstrating eligibility, such non-traded BDCs and their investors would benefit from the proposed rule change. Specifically, non-traded BDCs would be able to diversify up to 30 percent of their portfolios into IPOs.

### B. Anticipated Costs

There is some risk under the proposed rule change that an otherwise restricted or covered person may invest in a non-traded BDC for the purpose of investing in new issues. FINRA believes that this risk is mitigated by several factors.

As discussed, only 30 percent of BDC assets could potentially be invested in IPO shares because Section 55(a) of the Investment Company Act requires that BDCs must primarily invest in eligible portfolio companies. Due to this limitation, it is unlikely that restricted or covered persons would be able to influence the allocation of IPO shares to these non-traded BDCs or to benefit significantly from an IPO allocation since the restricted or covered persons would only receive a small fraction of the profits or losses. Additionally, FINRA understands that the costs of setting up and maintaining a non-traded BDC are high. This makes it unlikely that it would be profitable to establish a non-traded BDC for the purpose of permitting restricted or covered persons to invest in new issues.<sup>25</sup>

### C. Anticipated Competitive Effects

The proposal may increase competition for investors between and among non-traded BDCs, traded BDCs, and investment companies registered under the Investment Company Act. Relative to the baseline, the proposal may also increase interest in, and thus competition for, investing in non-traded BDCs because access to IPOs may enhance BDC returns and diversification. The proposal may therefore promote capital formation by giving more investors access to IPOs.

## 4. Alternatives Considered

No alternatives were considered for the proposed amendments to Rules 5130 and 5131.

<sup>24</sup> See FINRA Rule 5130(c)(4); 5131(b)(2).

<sup>25</sup> These expenses include the external management costs and costs associated with reporting requirements for public companies.

<sup>20</sup> 15 U.S.C. 78o-3(b)(6).

<sup>21</sup> See *Regulatory Notice* 23-09 (May 2023) ("FINRA promotes the capital raising process through appropriately tailored rules for its members that are designed to promote transparency and to establish important standards of conduct for the benefit of all market participants, including investors and issuers.").

<sup>22</sup> See the Business Development Company Report for 2024, available at <https://www.sec.gov/about/opendatasetshtmlbdc>. The estimate takes into account that active non-traded BDCs would also have filed a closed-end management investment company registration statement (Form N-2) and filed a recent Form 10-K, but do not offer or sell their shares to the public on a national securities exchange.

<sup>23</sup> See IPO Data, available at <https://site.warrington.ufl.edu/ritter/ipo-data/>.

*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**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-FINRA-2025-001 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-FINRA-2025-001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/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 FINRA. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-FINRA-2025-001 and should be submitted on or before April 21, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>26</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

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**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-102724; File No. SR-CBOE-2025-016]

**Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Fees for the Cboe Legacy Silexx Platform Versions**

March 25, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 13, 2025, Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to increase fees for the Cboe Legacy Silexx platform versions. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend fees for the Cboe Legacy Silexx platform versions (collectively, the "Legacy Platforms" as further described herein), effective April 1, 2025. By way of background, the Exchange offers several versions of its Silexx platform. Originally, the Exchange offered the following versions of the Silexx platform: Basic, Pro, Pro Plus Risk and Buy-Side Manager ("Legacy Platforms"). The Legacy Platforms are designed so that a User may enter orders into the platform to send to the executing broker, including TPHs, of its choice with connectivity to the platform. The executing broker can then send orders to Cboe Options (if the broker-dealer is a TPH) or other U.S. exchanges (and trading centers) in accordance with the User's instructions. Users cannot directly route orders through any of the Legacy Platforms to an exchange or trading center nor is the platform integrated into or directly connected to Cboe Option's System. In 2019, the Exchange made available a new version of the Silexx platform, Silexx FLEX, which supports the trading of FLEX Options and allows authorized Users with direct access to the Exchange to establish connectivity and submit orders directly to the Exchange.<sup>3</sup> In 2020, the

<sup>3</sup> See Securities Exchange Act Release No. 87028 (September 19, 2019) 84 FR 50529 (September 25, 2019) (SR-CBOE-2019-061). Only Users authorized for direct access and who are approved to trade FLEX Options may trade FLEX Options via Cboe

<sup>26</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

Exchange made an additional version of the Silexx platform available, Cboe Silexx, which supports the trading of non-FLEX Options and allows authorized Users with direct access to the Exchange to establish connectivity and submit orders directly to the Exchange.<sup>4</sup> Cboe Silexx is essentially the same platform as Silexx FLEX, with the same applicable functionality, except that it additionally supports non-FLEX trading. As noted in previous filings, the Exchange is in the process of transitioning the Legacy Platforms to the current version of Cboe Silexx and Silexx FLEX.<sup>5</sup> As the Exchange is actively transitioning away from the Legacy Platforms, and in the meantime is expending time and resources to maintain both platforms, the Exchange previously proposed to increase the fees for the Legacy Platforms.<sup>6</sup> For this same reason, the Exchange now proposes to increase the fees again for the Legacy Platforms.

The Exchange currently charges the following monthly fees per Login ID for the following platforms: \$500 for Basic, \$500 for Pro, \$750 for Pro Plus Risk and \$375 for Buy-Side Manager. The Exchange proposes to amend these fees to the following monthly fee per Login

Silexx. Only authorized Users and associated persons of Users may establish connectivity to and directly access the Exchange, pursuant to Rule 5.5 and the Exchange's technical specifications.

<sup>4</sup> See Securities Exchange Act Release No. 88741 (April 24, 2020) 85 FR 24045 (April 30, 2020) (SR-CBOE-2020-040). Only authorized Users and associated persons of Users may establish connectivity to and directly access the Exchange, pursuant to Rule 5.5 and the Exchange's technical specifications.

<sup>5</sup> See Securities Exchange Release No. 98722 (October 11, 2023) 88 FR 71619 (October 17, 2023) (SR-CBOE-2023-060). Only authorized Users and associated persons of Users will continue to be able to establish connectivity to and directly access the Exchange, pursuant to Rule 5.5 and the Exchange's technical specifications. Unauthorized Users will not be able to connect directly to the Exchange. The new Cboe Silexx platform will function in the same manner as the Legacy Platforms versions currently available to Users: it will be completely voluntary; orders entered through the platform will receive no preferential treatment as compared to orders electronically sent to Cboe Options in any other manner; orders entered through the platform will be subject to current trading rules in the same manner as all other orders sent to the Exchange, which is the same as orders that are sent through the Exchange's System today; the Exchange's System will not distinguish between orders sent from Silexx and orders sent in any other manner; and Silexx will provide technical support, maintenance and user training for the new platform version upon the same terms and conditions for all Users. The Exchange plans to decommission the Legacy Platforms at a future to-be-determined date, at which time the Legacy Platforms will be unavailable to users.

<sup>6</sup> See Securities Exchange Release No. 102185 (January 14, 2025) 90 FR 7200 (January 21, 2025) (SR-CBOE-2025-001) and Securities Exchange Release No. 102398 (February 11, 2025) 90 FR 9781 (February 18, 2025) (SR-CBOE-2025-005).

ID: \$625 for Basic, \$625 for Pro, \$950 for Pro Plus Risk and \$475 for Buy-Side Manager.

## 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.<sup>7</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>8</sup> 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)<sup>9</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Additionally, the Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

In particular, the Exchange also believes the proposed fee increases for the Legacy Platforms are reasonable, equitable, and not unfairly discriminatory because the fee will apply to all users of the Legacy Platforms. Additionally, the Exchange believes the proposed fee is reasonable as it accounts for administrative costs that Cboe Silexx is incurring, but not charging users, to maintain support for Legacy Platforms while Cboe Silexx transitions away from the Legacy Platforms. As noted earlier, the Exchange is in the process of transitioning the Legacy Platforms to the current version of Cboe Silexx and Silexx FLEX. The Exchange believes that increasing the fees for the Legacy Platforms also serves as an incentive to market participants to transition to the

current version of Cboe Silexx from the Legacy Platforms.<sup>10</sup>

Finally, the Exchange notes that use of the platform is discretionary and not compulsory, as users can choose to route orders, including to Cboe Options, without the use of the platform. Indeed, the Legacy Platforms are not an exclusive means of trading, and if market participants believe that other products, vendors, front-end builds, etc. available in the marketplace are more beneficial or cost effective than the Legacy Platforms (or the current version of Cboe Silexx and Silexx FLEX), they may simply use those products instead, including for routing orders to the Exchange (indirectly or directly if they are authorized Users). The Exchange makes the platform available as a convenience to market participants, who will continue to have the option to use any order entry and management system available in the marketplace to send orders to the Exchange and other exchanges; the platform is merely an alternative offered by the Exchange.

## 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 change will not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change will apply to similarly situated participants uniformly, as described in detail above.

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change applies only to Cboe Options. Additionally, the Legacy Platforms are similar to types of products that are widely available throughout the industry, including from some exchanges and the current version of Cboe Silexx and Silexx FLEX, at similar prices. Further, the proposed rule change relates to an optional platform. As discussed, the use of the platform continues to be completely

<sup>10</sup> The Exchange has previously introduced incentives to assist in the migration from the Legacy Platforms to the current version of Cboe Silexx and Silexx Flex by introducing a Data Management fee for users of Legacy Platforms and waiving duplicative Login ID and Market Data Feed fees for Cboe Silexx during a user's transition period. See Securities Exchange Release No. 99111 (December 7, 2023) 88 FR 86411 (December 13, 2023) (SR-CBOE-2023-064) and Securities Exchange Release No. 98722 (October 11, 2023) 88 FR 71619 (October 17, 2023) (SR-CBOE-2023-060).

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(5).

<sup>9</sup> *Id.*

voluntary and market participants will continue to have the flexibility to use any entry and management tool that is proprietary or from third-party vendors, and/or market participants may choose any executing brokers to enter their orders. The Legacy Platforms are not an exclusive means of trading, and if market participants believe that other products, vendors, front-end builds, etc. available in the marketplace are more beneficial than the Legacy Platforms (or the current version of Cboe Silexx and Silexx FLEX), they may simply use those products instead, including for routing orders to the Exchange (indirectly or directly if they are authorized Users). Use of the functionality is completely voluntary.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>11</sup> and paragraph (f) of Rule 19b-4<sup>12</sup> 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](mailto:rule-comments@sec.gov). Please include file number SR-CBOE-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-CBOE-2025-016. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official 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-2025-016 and should be submitted on or before April 21, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>13</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

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**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-102722; File No. SR-MAIX-2025-12]

**Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 1308, Supervision of Accounts**

March 25, 2025.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 18, 2025, Miami International Securities Exchange, LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend Exchange Rule 1308, Supervision of Accounts, pertaining to the production of an annual report from Members<sup>3</sup> to the Exchange.

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.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> The term "Member" means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

<sup>11</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>12</sup> 17 CFR 240.19b-4(f).

<sup>13</sup> 17 CFR 200.30-3(a)(12).

*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 1308 to align the annual obligations for Members with industry standard approaches.<sup>4</sup> By doing so, the Exchange aligns itself with FINRA and the New York Stock Exchange (“NYSE”) in relevant part for the benefit of both the Exchange and its Members. The Exchange notes that Exchange Rule 1308 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 to Exchange Rule 1308 proposed herein will also apply to MIAX Pearl, MIAX Emerald, and MIAX Sapphire members.

Currently, Exchange Rule 1308(g) requires that each Member that conducts a non-member customer business shall submit to the Exchange a written report on the Member’s supervision and compliance effort during the preceding year and on the adequacy of the Member’s ongoing compliance processes and procedures by April 1st of each year. The Exchange proposes to amend this Rule to instead require that the designated supervisory personnel must submit to the Member’s senior management no less than annually, a report detailing each Member’s system of supervisory controls, the summary of the test results<sup>5</sup> and significant identified exceptions, and any additional or amended supervisory procedures created in response to the test results.

Currently, Exchange Rule 1308(g)(5)(iii) requires that the report should also include a certification signed by the Member’s Chief Executive Officer (or equivalent) that the processes described in Rule 1308(g)(5)(i) are evidenced in a report reviewed by the Chief Executive Officer (or equivalent officer), Chief Compliance Officer and

such other officers as the organization may deem necessary to make this certification, and submitted to the organization’s board of directors and audit committee (if such committee exists) on or before April 1st of each year. The Exchange now proposes to reflect the aforementioned proposed change in Exchange Rule 1308(g)(5)(iii) as well by removing the requirement of completion of review and submission on or before April 1st, and instead, amend the rule to only require that it is done on an annual basis, no later than one year from the previous year’s certification.

Currently, Exchange Rule 1308(h) requires that each Member shall submit a copy of the report that Rule 1308(g) requires the Member to prepare to its one or more control persons or, if the Member has no control person, to the audit committee of its board of directors or its equivalent committee or group by April 1st of each year. The Exchange proposes to align Rule 1308(h) with the aforementioned proposed change by removing the requirement that each Member submit such report by April 1st of each year, and instead, require that this is done on an annual basis.

The proposed language to replace the prior deadlines of April 1st is substantially similar to both FINRA and NYSE rules requiring that Members submit supervisory reports internally only on an annual basis and not set out specific dates for compliance.<sup>6</sup>

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.<sup>7</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>8</sup> 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)<sup>9</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change benefits Members that may also be members of FINRA or other exchanges, such as NYSE, that have substantially similar rules regarding annual supervisory obligations. Currently, the Exchange requires Members to submit a detailed report to the Exchange by a specific annual date. Instead, FINRA’s and NYSE’s rules allow flexibility for the participant to conduct this review on an annual basis and do not set forth a specific date.<sup>10</sup> This gives participants further flexibility in their own compliance procedures to conduct their internal review as they best see fit within the year. By aligning the Exchange rules in relevant part regarding annual supervisory obligations itself with those of FINRA and NYSE, it will be more efficient for Members that are also members of FINRA and NYSE.

By aligning itself with the rules of FINRA and NYSE in relevant part as discussed herein, the Exchange does not require a separate work stream for its Members that may be members of FINRA or NYSE. The Exchange believes this contributes to a free and open national market by providing this consistency among members of FINRA and NYSE and the Exchange’s rules with this respect. Moreover, the Exchange will still have the ability to readily receive and review the annual report as Exchange Rule 1308(k) requires that documentation evidencing the annual written report required by Rule 1308(g) must be maintained in a place that is easily accessible and shall be provided to the Exchange upon request.

The proposed changes also apply uniformly to all Members. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

*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. This proposal does not create an unnecessary

<sup>4</sup> See FINRA Rule 3120(a)(2) and NYSE Rule 3120(a)(2).

<sup>5</sup> Exchange Rule 1308(c) requires that Members must develop and maintain adequate controls over each of its business activities. Such controls must provide for the establishment of procedures for verification and testing of those business activities. An ongoing analysis, based upon appropriate criteria, may be employed to assess and prioritize those business activities requiring independent verification and testing. A review of each Member’s efforts with respect to internal controls, including a summary of tests conducted and significant exceptions identified, must be included in the annual report required by Rule 1308(g).

<sup>6</sup> See *supra* note 4.

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(5).

<sup>9</sup> *Id.*

<sup>10</sup> See *supra* note 4.

or inappropriate intra-market burden on competition because the proposed change will apply uniformly to all Members. Further, the proposed change is not designed to address any competitive issues. Indeed, this proposal does not create an unnecessary or inappropriate inter-market burden on competition because it merely amends the annual supervisory reporting requirements for Members to align with FINRA and NYSE rules as discussed herein.<sup>11</sup>

*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**

Pursuant to Section 19(b)(3)(A) of the Act<sup>12</sup> and Rule 19b-4(f)(6)<sup>13</sup> thereunder, the Exchange has designated this proposal as one that effects a change that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of this 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 (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-MIAX-2025-12 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-2025-12. 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-MIAX-2025-12 and should be submitted on or before April 21, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

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**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

**[Investment Company Act Release No. 35508; File No. 812-15664]**

**Wilshire Private Assets Fund, et al.**

March 25, 2025.

**AGENCY:** Securities and Exchange Commission ("Commission" or "SEC").

**ACTION:** Notice.

Notice of application for an order ("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 and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

**APPLICANTS:** Wilshire Private Assets Fund, Wilshire Private Assets Master Fund, BVK Europe Opportunities Fund I, L.P., BVK Europe Opportunities Fund II, L.P., BVK Europe Opportunities Fund III, L.P., BVK Europe Opportunities Fund IV, L.P., Summit Hill Credit Fund, L.P., Summit Hill Real Assets Fund, L.P., Summit Hill Alternative Yield Fund, L.P., Wilshire BVV Europe Venture Fund, L.P. (Series I), Wilshire BVV Europe, L.P. (Series I), Wilshire BVV Europe, L.P. (Series II), Wilshire BVV Europe, L.P. (Series III), Wilshire BVV Europe, L.P. (Series IV), Wilshire BVV Europe, L.P. (Series V), Wilshire BVV Europe, L.P. (Series VI), Wilshire BVV Europe, L.P. (Series VII), Wilshire BVV U.S., L.P. (Series I), Wilshire BVV U.S., L.P. (Series II), Wilshire BVV U.S., L.P. (Series III), Wilshire BVV U.S., L.P. (Series IV), Wilshire BVV U.S., L.P. (Series V), Wilshire BVV U.S., L.P. (Series VI), Wilshire BVV U.S., L.P. (Series VII), Wilshire BVV U.S., L.P. (Series VIII), Wilshire Global Private Markets Fund IX, L.P., Wilshire New Waves Fund, L.P., Wilshire Private Credit Annual Fund Series, L.P., 2022 Wilshire Private Credit Annual Fund Series, L.P., 2025 Wilshire Private Credit Annual Fund Series, L.P., Wilshire Private Equity Annual Fund Series, L.P., 2022 Wilshire Private Equity Annual Fund Series, L.P., Wilshire Private Markets Family Office Fund I, L.P., Wilshire Private Markets Family Office Fund II, L.P., Wilshire Private Markets Family Office Fund III, L.P., Wilshire Private Markets Family Office Fund IV, L.P., Wilshire Private Markets Real Estate Family Office Fund I, L.P., Mill Creek Wilshire Private Equity 2022, L.P., Mill Creek Wilshire Private Equity 2024, L.P., Wilshire-BBI UK VC Co-Invest LP, Wilshire European Venture Capital Fund II SCSp, Wilshire European Venture Capital Fund III SCSp, Wilshire MNCPPC Employees' Retirement System Global, L.P., Wilshire MNCPPC Employees' Retirement System Global, L.P. (Series II), Wilshire MNCPPC Employees'

<sup>11</sup> See *supra* note 4.

<sup>12</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>13</sup> 17 CFR 240.19b-4(f)(6).

<sup>14</sup> 17 CFR 200.30-3(a)(12).

Retirement System Global, L.P. (Series III), Wilshire European Private Markets Fund VIII, L.P., Wilshire Private Markets Opportunities Fund II–B, L.P., Wilshire U.S. Private Markets Fund VII, L.P., Wilshire U.S. Private Markets Fund VIII, L.P., Wilshire Asia Private Markets Fund VIII, L.P., Rio Grande Wilshire Alternative Yield Solutions Fund, LP, Rio Grande Wilshire Offshore Alternative Yield Solutions Ltd., and Wilshire Advisors LLC (collectively, the “Applicants”).

**FILING DATES:** The application was filed on November 29, 2024, and amended on February 28, 2025 and March 20, 2025.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC’s Secretary at [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov) and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below.

Hearing requests should be received by the Commission by 5:30 p.m. on April 21, 2025, and should be accompanied by proof of service on 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 [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov).

**ADDRESSES:** The Commission: [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov). Applicants: Patrick Dennis, Esq., Wilshire Advisors LLC, [patrick.dennis@wilshire.com](mailto:patrick.dennis@wilshire.com), Thomas D. Peeney, Esq., Paul Hastings LLP, [thomaspeeney@paulhastings.com](mailto:thomaspeeney@paulhastings.com), and John J. O’Brien, Esq., Morgan, Lewis & Bockius LLP, [john.obrien@morganlewis.com](mailto:john.obrien@morganlewis.com).

**FOR FURTHER INFORMATION CONTACT:** Jill Ehrlich, Senior Counsel, or Lisa Reid Ragen, Branch Chief, 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’ second amended and restated application, dated March 20, 2025, which may be obtained via the Commission’s website by searching for the file number at the top of this

document, or for an Applicant using the Company name search field, on the SEC’s EDGAR system.

The SEC’s EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/companysearch>. You may also call the SEC’s Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2025–05428 Filed 3–28–25; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102726; File No. SR–CboeBZX–2025–043]

### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase the Monthly Fee for 10 Gb Physical Ports

March 25, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on March 13, 2025, Cboe BZX Exchange, Inc. (“Exchange” or “BZX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase the monthly fee for 10 Gb physical ports. 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/BZX/](http://markets.cboe.com/us/options/regulation/rule_filings/BZX/)), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements

concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to amend its fee schedule relating to physical connectivity fees.<sup>3</sup>

By way of background, a physical port is utilized by a Member or non-Member to connect to the Exchange at the data centers where the Exchange’s servers are located. The Exchange currently assesses the following physical connectivity fees for Members and non-Members on a monthly basis: \$2,500 per physical port for a 1 gigabit (“Gb”) circuit and \$7,500 per physical port for a 10 Gb circuit. The Exchange proposes to increase the monthly fee for 10 Gb physical ports from \$7,500 to \$8,500 per port. The Exchange notes the proposed fee change better enables it to continue to maintain and improve its market technology and services and also notes that the proposed fee amount, even as amended, continues to be in line with,

<sup>3</sup> The Exchange initially filed the proposed fee changes on July 3, 2023 (SR–CboeBZX–2023–047). On September 1, 2023, the Exchange withdrew that filing and submitted SR–CboeBZX–2023–068. On September 29, 2023, the Securities and Exchange Commission issued a Suspension of and Order Instituting Proceedings to Determine whether to Approve or Disapprove a Proposed Rule Change to Amend its Fees Schedule Related to Physical Port Fees (the “OIP”) in anticipation of a possible U.S. government shutdown. On September 29, 2023, the Exchange filed the proposed fee change (SR–CboeBZX–2023–79). On October 13, 2023, the Exchange withdrew that filing and submitted SR–CboeBZX–2023–083. On December 12, 2023 the Exchange withdrew that filing and submitted SR–CboeBZX–2024–104. On February 9, 2024, the Exchange withdrew that filing and submitted SR–CboeBZX–2024–017. On April 9, 2024, the Exchange withdrew that filing and submitted this SR–CboeBZX–2024–028. On April 18, 2024, the Exchange withdrew that filing and submitted SR–CboeBZX–2024–030. On June 7, 2024, the Exchange withdrew that filing and submitted SR–CboeBZX–2024–052. On August 29, 2024, the Exchange withdrew that filing and submitted SR–CboeBZX–2024–080. On October 25, 2024, the Exchange withdrew that filing and submitted SR–CboeBZX–2024–107. On October 28, 2024, the Exchange withdrew that filing and submitted SR–CboeBZX–2024–109. On December 18, 2024 the Exchange withdrew that filing and submitted SR–CboeBZX–2024–128. On February 14, 2025, the Exchange withdrew that filing and submitted SR–CboeBZX–2025–030. On March 13, 2025, the Exchange withdrew that filing and submitted this filing.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

or even lower than, amounts assessed by other exchanges for similar connections.<sup>4</sup> The Exchange also notes that a single 10 Gb physical port can be used to access the Systems of the following affiliate exchanges: the Cboe BYX Exchange, Inc., Cboe EDGX Exchange, Inc. (options and equities platforms), Cboe EDGA Exchange, Inc., and Cboe C2 Exchange, Inc., (“Affiliate Exchanges”).<sup>5</sup> Notably, only one monthly fee currently (and will continue) to apply per 10 Gb physical port regardless of how many affiliated exchanges are accessed through that one port.<sup>6</sup>

## 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.<sup>7</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>8</sup> 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)<sup>9</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the

proposed rule change is consistent with Section 6(b)(4)<sup>10</sup> of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. This belief is based on various factors as described below.

First, the Exchange believes its proposal is reasonable as it reflects a moderate increase in physical connectivity fees for 10 Gb physical ports and its offering, even as amended, continues to be more affordable as compared to analogous physical connectivity offerings at competitor exchanges.<sup>11</sup>

The Exchange also believes the current fee does not properly reflect the quality of the service and product, as fees for 10 Gb physical ports have been static in nominal terms since 2018, and therefore falling in real terms due to inflation. As a general matter, the Producer Price Index (“PPI”) is a family of indexes that measures the average change over time in selling prices received by domestic producers of goods and services. PPI measures price change from the perspective of the seller. This contrasts with other metrics, such as the Consumer Price Index (CPI), that measure price change from the purchaser’s perspective.<sup>12</sup> About 10,000 PPIs for individual products and groups of products are tracked and released each month.<sup>13</sup> PPIs are available for the output of nearly all industries in the goods-producing sectors of the U.S. economy—mining, manufacturing, agriculture, fishing, and forestry—as well as natural gas, electricity, and construction, among others. The PPI program covers approximately 69 percent of the service sector’s output, as measured by revenue reported in the 2017 Economic Census.

For purposes of this proposal, the relevant industry-specific PPI is the Data Processing, hosting and related services (“Data PPI”) and more particularly the more granular service line Data Processing, Hosting and Related Services: Hosting, Active Server

Pages (ASP), and Other Information Technology (IT) Infrastructure Provisioning Services.<sup>14</sup>

The Data PPI was introduced in January 2002 by the Bureau of Labor Statistics (“BLS”) as part of an ongoing effort to expand Producer Price Index coverage of the services sector of the U.S. economy and is identified as NAICS–518210 in the North American Industry Classification System (“NAICS”).<sup>15</sup> According to the BLS “[t]he primary output of NAICS 518210 is the provision of electronic data processing services. In the broadest sense, computer services companies help their customers efficiently use technology. The processing services market consists of vendors who use their own computer systems—often utilizing proprietary software—to process customers’ transactions and data. Price movements for the NAICS 518210 index are based on changes in the revenue received by companies that provide data processing services and price movements for the service line NAICS 518210 index are based on changes in the revenue received by companies that provide, among other things, IT infrastructure provisioning services. Each month, companies provide net transaction prices for a specified service. The transaction is an actual contract selected by probability, where the price-determining characteristics are held constant while the service is repriced. The prices used in index calculation are the actual prices billed for the selected service contract.”<sup>16</sup>

The service (product) lines for which price indexes are available under the Data PPI are: (1) business process management services (2) data management and storage information transformation and other services and (3) hosting ASP and other IT infrastructure provisioning services. The most apt of these industry and product

<sup>4</sup> See e.g., The Nasdaq Stock Market LLC (“Nasdaq”), General 8, Connectivity to the Exchange. Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10Gb Ultra fiber connection to the respective exchange, which is analogous to the Exchange’s 10Gb physical port. See also New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gb LX LCN Circuits (which are analogous to the Exchange’s 10 Gb physical port) are assessed \$22,000 per month, per port.

<sup>5</sup> The Affiliate Exchanges are also submitting contemporaneous identical rule filings.

<sup>6</sup> The Exchange notes that conversely, other exchange groups charge separate port fees for access to separate, but affiliated, exchanges. See e.g., Securities and Exchange Release No. 99822 (March 21, 2024), 89 FR 21337 (March 27, 2024) (SR–MIA–2024–016).

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(5).

<sup>9</sup> *Id.*

<sup>10</sup> 15 U.S.C. 78f(b)(4).

<sup>11</sup> See e.g., The Nasdaq Stock Market LLC (“Nasdaq”), General 8, Connectivity to the Exchange. Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10Gbps Ultra fiber connection to the respective exchange, which is analogous to the Exchange’s 10Gbps physical port. See also New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gbps LX LCN Circuits (which are analogous to the Exchange’s 10 Gbps physical port) are assessed \$22,000 per month, per port.

<sup>12</sup> See <https://www.bls.gov/ppi/overview.htm>.

<sup>13</sup> *Id.*

<sup>14</sup> Provisioning is the process of preparing, assigning, and activating IT infrastructure components, such as servers, storage, and network connectivity, according to user requirements. It is a critical part of IT operations, as it ensures that computing resources are available when needed and that they are set up and connected to work correctly.

<sup>15</sup> See <https://www.bls.gov/ppi/overview.htm>. Among the industry-specific PPIs is for North American Industry Classification System (“NAICS”) Code 518210: “Data Processing and Related Services.” NAICS index codes categorize products and services that are common to particular industries. According to BLS, these codes “provide comparability with a wide assortment of industry-based data for other economic programs, including productivity, production, employment, wages, and earnings.”

<sup>16</sup> See <https://www.bls.gov/ppi/factsheets/producer-price-index-for-the-data-processing-and-related-services-industry-naics-518210.htm>.

specific categorizations for purposes of this present proposal to modify fees for the 10 Gb physical port fee measures inflation for the provision of data processing, hosting and related services as well as other information technology infrastructure provisioning services which BLS identifies as identified as NAICS-5182105.<sup>17</sup> The Exchange believes that this measure of inflation is particularly appropriate because the Exchange's connectivity services involve hosting and providing connections to its customers' telecommunications and information technology equipment, as well as preparing, assigning, and activating IT infrastructure components, such as servers, storage, and network connectivity. The Exchange also uses its "proprietary software," *i.e.*, its own proprietary matching engine software, to receive orders on the Exchange's proprietary trading platform as well as to collect, organize, store and report customers' transactions. In other words, the Exchange is in the business of data processing, hosting, ASP, and providing other IT infrastructure provisioning services. Specifically, within this category, the Exchange points to the financial business process management services category under the umbrella of data processing.<sup>18</sup> The financial business process management services is described as "providing a bundled service package that combines information-technology-intensive services with labor (manual or professional depending on the solution), machinery, and facilities to support, host and manage a financial business process for a client, such as financial transaction processing, credit card processing, payment services, and lending services."<sup>19</sup> The Exchange's connectivity service provides connections to its customers' telecommunications and information technology equipment, as well as preparing, assigning, and activating IT infrastructure components to facilitate the transmission of orders and receipt of financial transactions for its customers' while connected to the Exchange.

Further, the Exchange believes that this specific index is best suited to guide this price increase as it reflects the change in this specific instance over the last seven years instead of looking at the underlying components of the service. PPI has published broad guidance regarding price adjustments

for contracts,<sup>20</sup> and within this it noted that contracting parties should choose an index or group of indexes that represent the cost for providing a particular product or service, rather than an index for the product itself.<sup>21</sup> While this helps a contracting seller avoid a circumstance where it is unable to raise its price for the product itself if the underlying components have increased and the PPI for the product itself has not yet increased—this is not the case here. The Exchange instead is using historical data over a seven-year period as a reference point for its proposed increase moving forward—underlying components that have increased over the course of seven years have since (by and large) been reflected in the product itself.

The Exchange further believes the Data PPI is an appropriate measure for purposes of the proposed rule change on the basis that it is a stable metric with limited volatility, unlike other consumer-side inflation metrics. In fact, the Data PPI has not experienced a greater than 2.16% increase for any one calendar year period since Data PPI was introduced into the PPI in January 2002. For example, the average calendar year change from January 2002 to December 2023 was .62%, with a cumulative increase of 15.67% over this 21-year period. The Exchange believes the Data PPI is considerably less volatile than other inflation metrics such as CPI, which has had individual calendar-year increases of more than 6.5%, and a cumulative increase of over 73% over the same period.<sup>22</sup>

As noted above, the current 10 Gb physical port fee remained unchanged for almost seven years, particularly since June 2018.<sup>23</sup> Since its last increase almost 7 years ago however, there has been notable inflation, including under the industry- and product-specific PPI, which as described above is a tailored measure of inflation. Particularly, the Hosting, ASP and other IT Infrastructure Provisioning Services inflation measure had a starting value of 102.2 in June 2018 (the month the Exchange started

assessing the current fee) and an ending value of 118.502 in January 2025, representing a 16% increase.<sup>24</sup> This indicates that companies who are also in the hosting ASP and other IT infrastructure provisioning services have generally increased prices for a specified service covered under NAICS 5182105 by an average of 16% during this period.

The Exchange also believes that it is reasonable to increase its fees to compensate for inflation because, over time, inflation has degraded the value of each dollar that the Exchange collects in fees, such that the real revenue collected today is considerably less than that same revenue collected in 2018. The impact of this inflationary effect is also independent of any change in the Exchange's costs in providing its goods and services. The Exchange therefore believes that it is reasonable for it to offset, in part, this erosion in the value of the revenues it collects. Additionally, the Exchange historically does not increase fees every year notwithstanding inflation.<sup>25</sup> Other exchanges have also filed for increases in certain fees, based in part on comparisons to inflation.<sup>26</sup> Accordingly, based on the above-described percentage change based on an industry- and product-specific inflationary measure, and in conjunction with the rationale further described above and below, the Exchange believes the proposed fee increase is reasonable.

Next, the Exchange believes significant investments into, and enhanced performance of, the Exchange, in the years following the last 10 Gb physical port fee increase support the reasonableness of the proposed fee increase. These investments enhanced the quality of its services, as measured by, among other things, increased throughput and faster processing speeds. Customers have therefore greatly benefitted from these investments, while the Exchange's ability to recoup its investments has been hampered.

<sup>24</sup> See <https://data.bls.gov/timeseries/PCU5182105182105>.

<sup>25</sup> As the Exchange historically does not increase fees every year notwithstanding inflation, the Exchange believes that the more specific index is appropriate to look at as it is reflective of the cumulative increase over the course of almost seven years. While the PPI has published guidance that a broader index may be more helpful to reference in a contract to avoid large swings on a shorter duration (and to which such a swing over a brief duration may trigger additional obligations), the Exchange, in contrast, is instead looking forward to adjust its price to reflect changes in the industry over the past seven years. See *supra* note 20.

<sup>26</sup> See, e.g., Securities Exchange Act Release Nos. 34-100994 (September 10, 2024), 89 FR 75612 (September 16, 2024) (SR-NYSEARCA-2024-79).

<sup>20</sup> See <https://www.bls.gov/ppi/publications/price-adjustment-guide-for-contracting-parties.htm#FOOT5>.

<sup>21</sup> "For example, if an apparel manufacturer were contracting for long-term purchases with a producer of finished fabrics, it would be more advisable to tie the price adjustment clause to a PPI for synthetic fibers, processed yarns and threads, or greige fabrics (raw fabric), rather than to a PPI for a type of finished fabric." *Id.*

<sup>22</sup> See <https://www.usinflationcalculator.com/inflation/consumer-price-index-and-annual-percent-changes-from-1913-to-2008/>.

<sup>23</sup> See Securities and Exchange Release No. 83429 (June 14, 2018), 83 FR 28685 (June 20, 2018) (SR-ChoeBZX-2018-038).

<sup>17</sup> See <https://data.bls.gov/timeseries/PCU5182105182105>.

<sup>18</sup> See <https://voorburggroup.org/Documents/2018%20Rome/Papers/1014.pdf>.

<sup>19</sup> *Id.*

For example, the Exchange and its affiliated exchanges recently launched a multi-year initiative to improve Cboe Exchange Platform performance and capacity requirements to increase competitiveness, support growth and advance a consistent world class platform. The goal of the project, among other things, is to provide faster and more consistent order handling and matching performance for options, while ensuring quicker processing time and supporting increasing volumes and capacity needs. For example, the Exchange recently performed switch hardware upgrades. Particularly, the Exchange replaced existing customer access switches with newer models, which the Exchange believes resulted in increased determinism. The recent switch upgrades also increased the Exchange's capacity to accommodate more physical ports by nearly 50%. Network bandwidth was also increased nearly two-fold as a result of the upgrades, which among other things, can lead to reduce message queuing. The Exchange also believes these newer models result in less natural variance in the processing of messages. The Exchange notes that it incurred costs associated with purchasing and upgrading to these newer models, of which the Exchange has not otherwise passed through or offset.

As of April 1, 2024, market participants also having the option of connecting to a new data center (*i.e.*, Secaucus NY6 Data Center ("NY6")), in addition to the current data centers at NY4 and NY5. The Exchange made NY6 available in response to customer requests in connection with their need for additional space and capacity. In order to make this space available, the Exchange expended significant resources to prepare this space, and will also incur ongoing costs with respect to maintaining this offering, including costs related to power, space, fiber, cabinets, panels, labor and maintenance of racks. The Exchange also incurred a large cost with respect to ensuring NY6 would be latency equalized, as it is for NY4 and NY5.

The Exchange also has made various other improvements since the current physical port rates were adopted in 2018. For example, the Exchange has updated its customer portal to provide more transparency with respect to firms' respective connectivity subscriptions, enabling them to better monitor, evaluate and adjust their connections based on their evolving business needs. The Exchange also performs proactive audits on a weekly basis to ensure that all customer cross connects continue to fall within allowable tolerances for

Latency Equalized connections. Accordingly, the Exchange expended, and will continue to expend, resources to innovate and modernize technology so that it may benefit its Members and continue to compete among other options markets. The ability to continue to innovate with technology and offer new products to market participants allows the Exchange to remain competitive in the options space which currently has 18 registered options markets and potential new entrants. If the Exchange were not able to assess incrementally higher fees for its connectivity, it would effectively impact how the Exchange manages its technology and hamper the Exchange's ability to continue to invest in and fund access services in a manner that allows it to meet existing and anticipated access demands of market participants. Disapproval of fee changes such as the proposal herein, could also have the adverse effect of discouraging an exchange from improving its operations and implementing innovative technology to the benefit of market participants if it believes the Commission would later prevent that exchange from recouping costs and monetizing its operational enhancements, thus adversely impacting competition as well as the interests of market participants and investors.

Finally, the proposed fee is also the same as is concurrently being proposed for its Affiliate Exchanges. Further, Members are able to utilize a single port to connect to all of its Affiliate Exchanges and will only be charged one single fee (*i.e.*, a market participant will only be assessed the proposed \$8,500 even if it uses that physical port to connect to the Exchange and another (or even all 6) of its Affiliate Exchanges. Particularly, the Exchange believes the proposed monthly per port fee is reasonable, equitable and not unfairly discriminatory since as the Exchange has determined to not charge multiple fees for the same port. Indeed, the Exchange notes that several ports are in fact purchased and utilized across one or more of the Exchange's affiliated Exchanges (and charged only once).

The Exchange also believes that the proposed fee change is not unfairly discriminatory because it would be assessed uniformly across all market participants that purchase the physical ports. The Exchange believes increasing the fee for 10 Gb physical ports and charging a higher fee as compared to the 1 Gb physical port is equitable as the 1 Gb physical port is 1/10th the size of the 10 Gb physical port and therefore does not offer access to many of the products

and services offered by the Exchange (*e.g.*, ability to receive certain market data products). Thus, the value of the 1 Gb alternative is lower than the value of the 10 Gb alternative, when measured based on the type of Exchange access it offers. Moreover, market participants that purchase 10 Gb physical ports utilize the most bandwidth and therefore consume the most resources from the network. The Exchange also anticipates that firms that utilize 10 Gb ports will benefit the most from the Exchange's investment in offering NY6 as the Exchange anticipates there will be much higher quantities of 10 Gb physical ports connecting from NY6 as compared to 1 Gb ports. Indeed, the Exchange notes that 10 Gb physical ports account for approximately 90% of physical ports across the NY4, NY5, and NY6 data centers, and to date, 80% of new port connections in NY6 are 10 Gb ports. As such, the Exchange believes the proposed fee change for 10 Gb physical ports is reasonably and appropriately allocated.

#### *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 fee change will not impact intramarket competition because it will apply to all similarly situated Members equally (*i.e.*, all market participants that choose to purchase the 10 Gb physical port). Additionally, the Exchange does not believe its proposed pricing will impose a barrier to entry to smaller participants and notes that its proposed connectivity pricing is associated with relative usage of the various market participants. For example, market participants with modest capacity needs can continue to buy the less expensive 1 Gb physical port (which cost is not changing) or may choose to obtain access via a third-party re-seller. While pricing may be increased for the larger capacity physical ports, such options provide far more capacity and are purchased by those that consume more resources from the network.

Accordingly, the proposed connectivity fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation reflects the network resources consumed by the various size of market participants—lowest bandwidth consuming members pay the least, and highest bandwidth consuming members pay the most.

The proposed fee change also does not impose a burden on competition or

on other Self-Regulatory Organizations that is not necessary or appropriate. As described above, the Exchange evaluated its proposed fee change using objective and stable metric with limited volatility. Utilizing Data Processing PPI over a specified period of time is a reasonable means of recouping a portion of the Exchange's investment in maintaining and enhancing the connectivity service identified above. The Exchange believes utilizing Data Processing PPI, a tailored measure of inflation, to increase certain connectivity fees to recoup the Exchange's investment in maintaining and enhancing its services and products would 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 comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>27</sup> and paragraph (f) of Rule 19b-4<sup>28</sup> 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](mailto:rule-comments@sec.gov). Please include file number SR-CboeBZX-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-CboeBZX-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 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-2025-043 and should be submitted on or before April 21, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>29</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

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**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-102720; File No. SR-CBOE-2025-020]

**Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Eliminate Position and Exercise Limits for Options on the S&P 500 Equal Weight Index**

March 25, 2025.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 ("Act"),<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that on March 14, 2025, Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") 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 the position and exercise limits for options that overlie the S&P 500 Equal Weight Index (based on both the full value and one-tenth the value of the index) ("SPEQF options" and "SPEQX options," respectively) and the S&P 500 ESG Index to S&P 500 Scored & Screened Index ("SPESG options"). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>27</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>28</sup> 17 CFR 240.19b-4(f).

<sup>29</sup> 17 CFR 200.30-3(a)(12).

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 the position and exercise limits for SPEQF options, SPEQX options, and SPESG options. Pursuant to Rule 8.31(a), the current position limit for each of these three options is 25,000 contracts. Pursuant to Rule 8.42(b), the exercise limit for each of these options is equivalent to its position limit, and thus is also 25,000 contracts. With respect to flexible exchange options ("FLEX options"), Rule 8.35(a)(2) provides that the position limits for FLEX SPEQF, SPEQX, and SPESG options are 200,000 contracts, and Rule 8.42(g) provides that the exercise limits are also 200,000 contracts.

The proposed rule change amends Rules 8.31(a) and 8.35(b) to eliminate the position and exercise limits for each of SPEQF, SPEQX, and SPESG options (including FLEX options). This would also eliminate the exercise limits for these options pursuant to Rule 8.42(b) and (g). There are currently no position or exercise limits for many other broad-based index options (including FLEX), including SPX and XSP options. The underlying index of SPX and XSP options (the S&P 500 Index) is comprised of the same components as SPEQF and SPEQX options and, each constituent of the S&P 500 Scored and Screened Index is a constituent of the S&P 500 Index. In addition, the Exchange notes that other S&P 500 Index-related options (e.g., S&P 500 Dividend Index) have no position or exercise limits. FLEX SPEQF, SPEQX, and SPESG options will be subject to the same reporting requirements triggered for other FLEX options traded on the Exchange.<sup>4</sup> Given the relationship between the S&P 500 Equal Weight Index, the S&P 500 Scored and Screened Index, and the S&P 500 Index, the Exchange understands that market participants' investment and hedging strategies may consist of options overlying any or all of these options. As a result, the Exchange believes it is appropriate for these options to all be subject to the same position and exercise limits to provide them with the ability to execute these strategies with

sufficient flexibility and in a consistent manner.

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.<sup>5</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>6</sup> 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)<sup>7</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest, because it is consistent with existing rules regarding position and exercise limits for many broad-based index options currently authorized for listing and trading on the Exchange. There are currently no position limits for related options that overlay the S&P 500 Index, the components of which are the same as those of the S&P 500 Equal Weight Index and the majority of components of which are the same as those of the S&P 500 Scored & Screened Index. Because of this relationship between the S&P 500 Equal Weight Index, the S&P 500 Scored & Screened Index, and the S&P 500 Index, options on all of which market participants may use as hedging vehicles to meet their investment needs in connection with S&P 500 Index-related products and cash positions, the Exchange believes the proposed rule change will benefit investors, as it will permit market participants to use these options in accordance with consistent rules with

respect to their investment and hedging strategies.

Despite the overlapping constituents of the indexes underlying SPX options and SPEQF, SPEQX, and SPESG options, these options provide investors with important alternate investment opportunities. With respect to SPEQF and SPEQX options, the U.S. equity markets have experienced increased levels of concentration in recent years. SPEQF and SPEQX options provide market participants with alternative tools to manage their risk and diversify their exposure to the stocks comprising the S&P 500 Index by permitting them to gain broad exposure to these stocks using options that would be less impacted by a shift in concentration and market momentum. Because capitalization-weighted indexes such as the S&P 500 Index are more impacted by larger capitalized stocks, options overlying an equal-weighted index (such as the S&P 500 Equal Weight Index) would benefit investors by permitting them to hedge against potential swings in the largest stocks comprising the S&P 500 Index while maintaining the ability to hedge across the entire span of S&P 500 constituent securities. Similarly, SPESG options provide investors with an alternative tool to manage their risk and diversify their exposure to stock comprising the S&P 500 Index that meet specified sustainability criteria. Because the components of each of the S&P 500 Equal Weight Index and the S&P 500 Scored & Screened Index are all components of the S&P 500 Index, market participants may use options overlying these indexes as a hedging vehicle to meet their investment needs in connection with S&P 500-related products and cash positions, and, therefore, the Exchange believes it is appropriate to provide generally consistent features between options on these indexes, as that ultimately will remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes imposing lower position and exercise position limits on SPEQF, SPEQX, and SPESG options may unnecessarily restrict investors' abilities to use these options to achieve their investment goals.

When approving the Exchange's proposed rule change to eliminate position limits for SPX options, the Commission noted it believed "that the enormous capitalization of and deep, liquid markets for the underlying securities contained in these indexes significantly reduces concerns regarding market manipulation or disruption in

<sup>5</sup> 15 U.S.C. 78f(b).

<sup>6</sup> 15 U.S.C. 78f(b)(5).

<sup>7</sup> *Id.*

<sup>4</sup> See Rule 8.35(b).

the underlying market.”<sup>8</sup> The Commission continued, stating that “[r]emoving position and exercise limits for these index options may also bring additional depth and liquidity, in terms of both volume and open interest, to [SPX options] without significantly increasing concerns regarding intermarket manipulations or disruptions of the options or the underlying securities.”<sup>9</sup> This finding would apply to the S&P 500 Equal Weight Index, and thus SPEQF and SPEQX options, given that it is comprised of the same components as the S&P 500 Index underlying SPX options. Similarly, this finding would apply to the S&P 500 Scored and Screen Index, and thus SPESG options, given that all components of the S&P 500 ESG Index are components of the S&P 500 Index. The Commission further found that: (1) eliminating position and exercise limits for SPX options would better service the hedging needs of institutions; (2) financial requirements imposed by the Exchange and the Commission adequately address concerns that a Cboe member or customer may try to maintain an inordinately large unhedged SPX option position; (3) index derivatives are not subject to position and exercise limits in the over-the-counter market; and (4) the Exchange surveillance reporting safeguards would allow it to detect and deter trading abuses arising from the elimination of position and exercise limits for SPX options.<sup>10</sup> The Exchange believes these same principles apply to supporting no position or exercise limits for SPEQF, SPEQX, and SPESG options, particularly given the relationship between the S&P 500 Index, the S&P 500 Equal Weight Index, and the S&P 500 Scored and Screened Index.

<sup>8</sup> See Securities Exchange Act Release No. 40969 (January 22, 1999), 64 FR 4911, 4913 (February 1, 1999) (SR-CBOE-98-23). As of January 8, 2025, the total market capitalization of the S&P 500 Index was \$49.788 trillion (which is nearly six times more than the market capitalization of the S&P 500 Index in 1999, when the Commission approved the elimination of position and exercise limits for SPX options). Additionally, the average daily trading volume for the underlying components of the S&P 500 Index for the six months preceding January 8, 2025 was approximately 2.7 billion shares (compared to 757.7 million in 1999). Given that the S&P 500 Equal Weight Index is comprised of the same constituents as the S&P 500 Index, the S&P 500 Equal Weight Index would have the same market capitalization, and the underlying components would have the same average trading volume, as the S&P 500 Index, which demonstrates the “substantial liquidity of the index components as a group.” *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule change will impose any burden on intramarket competition that is not necessary in furtherance of the purposes of the Act, because it will apply to all market participants in the same manner. Additionally, the Exchange does not believe this proposed rule change will impose any burden on intermarket competition that is not necessary in furtherance of the purposes of the Act, because the Rules currently impose no position or exercise limits on many other broad-based index options, including SPX and XSP options, which overlie an index comprised of the same constituents. Additionally, the rules of other options exchange provide that other broad-based index options will not be subject to any position or exercise limits.<sup>11</sup>

### 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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date 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 shall: (a) by order approve or disapprove such proposed rule change, or (b) 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.

<sup>11</sup> See, e.g., Nasdaq PHLX LLC Options 4A, Section 6(a)(i) (which provides there are no position limits for Full Value Nasdaq 100 Options, the Reduced Value Nasdaq 100 Options, the Nasdaq 100—Micro Index Options, and the Nasdaq-100 ESG Index Options).

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](mailto:rule-comments@sec.gov). Please include file number SR-CBOE-2025-020 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-2025-020. 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-CBOE-2025-020 and should be submitted on or before April 21, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025-05445 Filed 3-28-25; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>12</sup> 17 CFR 200.30-3(a)(12), (59).

**SECURITIES AND EXCHANGE  
COMMISSION****Sunshine Act Meetings**

**TIME AND DATE:** 2:00 p.m. on Thursday, April 3, 2025.

**PLACE:** The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

**STATUS:** This meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:**

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at <https://www.sec.gov>.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of and/or participation in civil litigation; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

**CONTACT PERSON FOR MORE INFORMATION:**

For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551-5400.

*Authority:* 5 U.S.C. 552b.

Dated: March 27, 2025.

**Vanessa A. Countryman,**  
*Secretary.*

[FR Doc. 2025-05584 Filed 3-27-25; 4:15 pm]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE  
COMMISSION**

[Release No. 34-102725; File No. SR-C2-2025-006]

**Self-Regulatory Organizations; Cboe  
C2 Exchange, Inc.; Notice of Filing and  
Immediate Effectiveness of a Proposed  
Rule Change To Increase the Monthly  
Fee for 10 Gb Physical Ports**

March 25, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 13, 2025, Cboe C2 Exchange, Inc. (the "Exchange" or "C2") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 increase the monthly fee for 10 Gb physical ports. 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/ctwo/](http://markets.cboe.com/us/options/regulation/rule_filings/ctwo/)), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's  
Statement of the Purpose of, and  
Statutory Basis for, the Proposed Rule  
Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's  
Statement of the Purpose of, and  
Statutory Basis for, the Proposed Rule  
Change***1. Purpose**

The Exchange proposes to amend its fee schedule relating to physical connectivity fees.<sup>3</sup>

By way of background, a physical port is utilized by a Member or non-Member to connect to the Exchange at the data centers where the Exchange's servers are located. The Exchange currently assesses the following physical connectivity fees for Trading Permit Holders ("TPHs") and non-TPHs on a monthly basis: \$2,500 per physical port for a 1 gigabit ("Gb") circuit and \$7,500 per physical port for a 10 Gb circuit. The Exchange proposes to increase the monthly fee for 10 Gb physical ports from \$7,500 to \$8,500 per port. The Exchange notes the proposed fee change better enables it to continue to maintain and improve its market technology and services and also notes that the proposed fee amount, even as amended, continues to be in line with, or even lower than, amounts assessed by other exchanges for similar connections.<sup>4</sup> The Exchange also notes that a single 10 Gb

<sup>3</sup> The Exchange initially filed the proposed fee changes on July 3, 2023 (SR-C2-2023-014). On September 1, 2023, the Exchange withdrew that filing and submitted SR-C2-2023-020. On September 29, 2023, the Securities and Exchange Commission issued a Suspension of and Order Instituting Proceedings to Determine whether to Approve or Disapprove a Proposed Rule Change to Amend its Fees Schedule Related to Physical Port Fees (the "OIP") in anticipation of a possible U.S. government shutdown. On September 29, 2023, the Exchange filed the proposed fee change (SR-C2-2023-021). On October 13, 2023, the Exchange withdrew that filing and submitted SR-C2-2023-022. On December 12, 2023, the Exchange withdrew that filing and submitted SR-C2-2023-025. On February 9, 2024, the Exchange withdrew that filing and submitted SR-C2-2024-004. On April 9, 2024, the Exchange withdrew that filing and submitted SR-C2-2024-005. On June 7, 2024 the Exchange withdrew that filing and submitted SR-C2-2024-010. On August 29, 2024, the Exchange withdrew that filing and submitted SR-C2-2024-015. On October 25, 2024, the Exchange withdrew that filing and submitted SR-C2-2024-019. On October 28, 2024, the Exchange withdrew that filing and submitted SR-C2-2024-020. On December 18, 2024 the Exchange withdrew that filing and submitted SR-C2-2024-023. On February 14, 2025, the Exchange withdrew that filing and submitted SR-C2-2025-004. On March 13, 2025, the Exchange withdrew that filing and submitted this filing.

<sup>4</sup> See e.g., The Nasdaq Stock Market LLC ("Nasdaq"), General 8, Connectivity to the Exchange. Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10 Gb Ultra fiber connection to the respective exchange, which is analogous to the Exchange's 10 Gb physical port. See also New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gb LX LCN Circuits (which are analogous to the Exchange's 10 Gb physical port) are assessed \$22,000 per month, per port.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

physical port can be used to access the Systems of the following affiliate exchanges: the Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc. (options and equities platforms), Cboe EDGX Exchange, Inc. (options and equities platforms), and Cboe EDGA Exchange, Inc., (“Affiliate Exchanges”).<sup>5</sup> Notably, only one monthly fee currently (and will continue) to apply per 10 Gb physical port regardless of how many affiliated exchanges are accessed through that one port.<sup>6</sup>

## 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.<sup>7</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>8</sup> 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)<sup>9</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4)<sup>10</sup> of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. This belief is based on various factors as described below.

First, the Exchange believes its proposal is reasonable as it reflects a moderate increase in physical connectivity fees for 10 Gb physical ports and its offering, even as amended,

continues to be more affordable as compared to analogous physical connectivity offerings at competitor exchanges.<sup>11</sup>

The Exchange also believes the current fee does not properly reflect the quality of the service and product, as fees for 10 Gb physical ports have been static in nominal terms since 2018, and therefore falling in real terms due to inflation. As a general matter, the Producer Price Index (“PPI”) is a family of indexes that measures the average change over time in selling prices received by domestic producers of goods and services. PPI measures price change from the perspective of the seller. This contrasts with other metrics, such as the Consumer Price Index (CPI), that measure price change from the purchaser’s perspective.<sup>12</sup> About 10,000 PPIs for individual products and groups of products are tracked and released each month.<sup>13</sup> PPIs are available for the output of nearly all industries in the goods-producing sectors of the U.S. economy—mining, manufacturing, agriculture, fishing, and forestry—as well as natural gas, electricity, and construction, among others. The PPI program covers approximately 69 percent of the service sector’s output, as measured by revenue reported in the 2017 Economic Census. For purposes of this proposal, the relevant industry-specific PPI is the Data Processing, hosting and related services (“Data PPI”) and more particularly the more granular service line Data Processing, Hosting and Related Services: Hosting, Active Server Pages (ASP), and Other Information Technology (IT) Infrastructure Provisioning Services.<sup>14</sup>

The Data PPI was introduced in January 2002 by the Bureau of Labor Statistics (“BLS”) as part of an ongoing effort to expand Producer Price Index coverage of the services sector of the U.S. economy and is identified as

<sup>11</sup> See e.g., The Nasdaq Stock Market LLC (“Nasdaq”), General 8, Connectivity to the Exchange. Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10 Gbps Ultra fiber connection to the respective exchange, which is analogous to the Exchange’s 10 Gbps physical port. See also New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gbps LX LCN Circuits (which are analogous to the Exchange’s 10 Gbps physical port) are assessed \$22,000 per month, per port.

<sup>12</sup> See <https://www.bls.gov/ppi/overview.htm>.

<sup>13</sup> *Id.*

<sup>14</sup> Provisioning is the process of preparing, assigning, and activating IT infrastructure components, such as servers, storage, and network connectivity, according to user requirements. It is a critical part of IT operations, as it ensures that computing resources are available when needed and that they are set up and connected to work correctly.

NAICS—518210 in the North American Industry Classification System (“NAICS”).<sup>15</sup> According to the BLS “[t]he primary output of NAICS 518210 is the provision of electronic data processing services. In the broadest sense, computer services companies help their customers efficiently use technology. The processing services market consists of vendors who use their own computer systems—often utilizing proprietary software—to process customers’ transactions and data. Price movements for the NAICS 518210 index are based on changes in the revenue received by companies that provide data processing services and price movements for the service line NAICS 518210 index are based on changes in the revenue received by companies that provide, among other things, IT infrastructure provisioning services. Each month, companies provide net transaction prices for a specified service. The transaction is an actual contract selected by probability, where the price-determining characteristics are held constant while the service is repriced. The prices used in index calculation are the actual prices billed for the selected service contract.”<sup>16</sup>

The service (product) lines for which price indexes are available under the Data PPI are: (1) business process management services (2) data management and storage information transformation and other services and (3) hosting ASP and other IT infrastructure provisioning services. The most apt of these industry and product specific categorizations for purposes of this present proposal to modify fees for the 10 Gb physical port fee measures inflation for the provision of data processing, hosting and related services as well as other information technology infrastructure provisioning services which BLS identifies as identified as NAICS—5182105.<sup>17</sup> The Exchange believes that this measure of inflation is particularly appropriate because the Exchange’s connectivity services involve hosting and providing connections to its customers’

<sup>15</sup> See <https://www.bls.gov/ppi/overview.htm>. Among the industry-specific PPIs is for North American Industry Classification System (“NAICS”) Code 518210: “Data Processing and Related Services.” NAICS index codes categorize products and services that are common to particular industries. According to BLS, these codes “provide comparability with a wide assortment of industry-based data for other economic programs, including productivity, production, employment, wages, and earnings.”

<sup>16</sup> See <https://www.bls.gov/ppi/factsheets/producer-price-index-for-the-data-processing-and-related-services-industry-naics-518210.htm>.

<sup>17</sup> See <https://data.bls.gov/timeseries/PCU5182105182105>.

<sup>5</sup> The Affiliate Exchanges are also submitting contemporaneous identical rule filings.

<sup>6</sup> The Exchange notes that conversely, other exchange groups charge separate port fees for access to separate, but affiliated, exchanges. See e.g., Securities and Exchange Release No. 99822 (March 21, 2024), 89 FR 21337 (March 27, 2024) (SR–MIAx–2024–016).

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(5).

<sup>9</sup> *Id.*

<sup>10</sup> 15 U.S.C. 78f(b)(4).

telecommunications and information technology equipment, as well as preparing, assigning, and activating IT infrastructure components, such as servers, storage, and network connectivity. The Exchange also uses its “proprietary software,” *i.e.*, its own proprietary matching engine software, to receive orders on the Exchange’s proprietary trading platform as well as to collect, organize, store and report customers’ transactions. In other words, the Exchange is in the business of data processing, hosting, ASP, and providing other IT infrastructure provisioning services. Specifically, within this category, the Exchange points to the financial business process management services category under the umbrella of data processing.<sup>18</sup> The financial business process management services is described as “providing a bundled service package that combines information-technology-intensive services with labor (manual or professional depending on the solution), machinery, and facilities to support, host and manage a financial business process for a client, such as financial transaction processing, credit card processing, payment services, and lending services.”<sup>19</sup> The Exchange’s connectivity service provides connections to its customers’ telecommunications and information technology equipment, as well as preparing, assigning, and activating IT infrastructure components to facilitate the transmission of orders and receipt of financial transactions for its customers’ while connected to the Exchange.

Further, the Exchange believes that this specific index is best suited to guide this price increase as it reflects the change in this specific instance over the last seven years instead of looking at the underlying components of the service. PPI has published broad guidance regarding price adjustments for contracts,<sup>20</sup> and within this it noted that contracting parties should choose an index or group of indexes that represent the cost for providing a particular product or service, rather than an index for the product itself.<sup>21</sup> While this helps a contracting seller avoid a circumstance where it is unable

to raise its price for the product itself if the underlying components have increased and the PPI for the product itself has not yet increased—this is not the case here. The Exchange instead is using historical data over a seven-year period as a reference point for its proposed increase moving forward—underlying components that have increased over the course of seven years have since (by and large) been reflected in the product itself.

The Exchange further believes the Data PPI is an appropriate measure for purposes of the proposed rule change on the basis that it is a stable metric with limited volatility, unlike other consumer-side inflation metrics. In fact, the Data PPI has not experienced a greater than 2.16% increase for any one calendar year period since Data PPI was introduced into the PPI in January 2002. For example, the average calendar year change from January 2002 to December 2023 was .62%, with a cumulative increase of 15.67% over this 21-year period. The Exchange believes the Data PPI is considerably less volatile than other inflation metrics such as CPI, which has had individual calendar-year increases of more than 6.5%, and a cumulative increase of over 73% over the same period.<sup>22</sup>

As noted above, the current 10 Gb physical port fee remained unchanged for almost seven years, particularly since June 2018.<sup>23</sup> Since its last increase almost 7 years ago however, there has been notable inflation, including under the industry- and product-specific PPI, which as described above is a tailored measure of inflation. Particularly, the Hosting, ASP and other IT Infrastructure Provisioning Services inflation measure had a starting value of 102.2 in June 2018 (the month the Exchange started assessing the current fee) and an ending value of 118.502 in January 2025, representing a 16% increase.<sup>24</sup> This indicates that companies who are also in the hosting ASP and other IT infrastructure provisioning services have generally increased prices for a specified service covered under NAICS 5182105 by an average of 16% during this period.

The Exchange also believes that it is reasonable to increase its fees to compensate for inflation because, over time, inflation has degraded the value of each dollar that the Exchange collects in

fees, such that the real revenue collected today is considerably less than that same revenue collected in 2018. The impact of this inflationary effect is also independent of any change in the Exchange’s costs in providing its goods and services. The Exchange therefore believes that it is reasonable for it to offset, in part, this erosion in the value of the revenues it collects. Additionally, the Exchange historically does not increase fees every year notwithstanding inflation.<sup>25</sup> Other exchanges have also filed for increases in certain fees, based in part on comparisons to inflation.<sup>26</sup> Accordingly, based on the above-described percentage change based on an industry- and product-specific inflationary measure, and in conjunction with the rationale further described above and below, the Exchange believes the proposed fee increase is reasonable.

Next, the Exchange believes significant investments into, and enhanced performance of, the Exchange, in the years following the last 10 Gb physical port fee increase support the reasonableness of the proposed fee increase. These investments enhanced the quality of its services, as measured by, among other things, increased throughput and faster processing speeds. Customers have therefore greatly benefitted from these investments, while the Exchange’s ability to recoup its investments has been hampered.

For example, the Exchange and its affiliated exchanges recently launched a multi-year initiative to improve Cboe Exchange Platform performance and capacity requirements to increase competitiveness, support growth and advance a consistent world class platform. The goal of the project, among other things, is to provide faster and more consistent order handling and matching performance for options, while ensuring quicker processing time and supporting increasing volumes and capacity needs. For example, the Exchange recently performed switch hardware upgrades. Particularly, the Exchange replaced existing customer

<sup>25</sup> As the Exchange historically does not increase fees every year notwithstanding inflation, the Exchange believes that the more specific index is appropriate to look at as it is reflective of the cumulative increase over the course of almost seven years. While the PPI has published guidance that a broader index may be more helpful to reference in a contract to avoid large swings on a shorter duration (and to which such a swing over a brief duration may trigger additional obligations), the Exchange, in contrast, is instead looking forward to adjust its price to reflect changes in the industry over the past seven years. *See supra* note 20.

<sup>26</sup> *See, e.g.*, Securities Exchange Act Release Nos. 34–100994 (September 10, 2024), 89 FR 75612 (September 16, 2024) (SR–NYSEARCA–2024–79).

<sup>18</sup> *See* <https://voorburchgroup.org/Documents/2018%20Rome/Papers/1014.pdf>.

<sup>19</sup> *Id.*

<sup>20</sup> *See* <https://www.bls.gov/ppi/publications/price-adjustment-guide-for-contracting-parties.htm#FOOT5>.

<sup>21</sup> “For example, if an apparel manufacturer were contracting for long-term purchases with a producer of finished fabrics, it would be more advisable to tie the price adjustment clause to a PPI for synthetic fibers, processed yarns and threads, or greige fabrics (raw fabric), rather than to a PPI for a type of finished fabric.” *Id.*

<sup>22</sup> *See* <https://www.usinflationcalculator.com/inflation/consumer-price-index-and-annual-percent-changes-from-1913-to-2008/>.

<sup>23</sup> *See* Securities and Exchange Release No. 83455 (June 15, 2018), 83 FR 28892 (June 21, 2018) (SR–C2–2018–014).

<sup>24</sup> *See* <https://data.bls.gov/timeseries/PCU5182105182105>.

access switches with newer models, which the Exchange believes resulted in increased determinism. The recent switch upgrades also increased the Exchange's capacity to accommodate more physical ports by nearly 50%. Network bandwidth was also increased nearly two-fold as a result of the upgrades, which among other things, can lead to reduce message queuing. The Exchange also believes these newer models result in less natural variance in the processing of messages. The Exchange notes that it incurred costs associated with purchasing and upgrading to these newer models, of which the Exchange has not otherwise passed through or offset.

As of April 1, 2024, market participants also having the option of connecting to a new data center (*i.e.*, Secaucus NY6 Data Center ("NY6")), in addition to the current data centers at NY4 and NY5. The Exchange made NY6 available in response to customer requests in connection with their need for additional space and capacity. In order to make this space available, the Exchange expended significant resources to prepare this space, and will also incur ongoing costs with respect to maintaining this offering, including costs related to power, space, fiber, cabinets, panels, labor and maintenance of racks. The Exchange also incurred a large cost with respect to ensuring NY6 would be latency equalized, as it is for NY4 and NY5.

The Exchange also has made various other improvements since the current physical port rates were adopted in 2018. For example, the Exchange has updated its customer portal to provide more transparency with respect to firms' respective connectivity subscriptions, enabling them to better monitor, evaluate and adjust their connections based on their evolving business needs. The Exchange also performs proactive audits on a weekly basis to ensure that all customer cross connects continue to fall within allowable tolerances for Latency Equalized connections. Accordingly, the Exchange expended, and will continue to expend, resources to innovate and modernize technology so that it may benefit its TPHs and continue to compete among other options markets. The ability to continue to innovate with technology and offer new products to market participants allows the Exchange to remain competitive in the options space which currently has 18 registered options markets and potential new entrants. If the Exchange were not able to assess incrementally higher fees for its connectivity, it would effectively impact how the Exchange manages its

technology and hamper the Exchange's ability to continue to invest in and fund access services in a manner that allows it to meet existing and anticipated access demands of market participants. Disapproval of fee changes such as the proposal herein, could also have the adverse effect of discouraging an exchange from improving its operations and implementing innovative technology to the benefit of market participants if it believes the Commission would later prevent that exchange from recouping costs and monetizing its operational enhancements, thus adversely impacting competition as well as the interests of market participants and investors.

Finally, the proposed fee is also the same as is concurrently being proposed for its Affiliate Exchanges. Further, TPHs are able to utilize a single port to connect to all of its Affiliate Exchanges and will only be charged one single fee (*i.e.*, a market participant will only be assessed the proposed \$8,500 even if it uses that physical port to connect to the Exchange and another (or even all 6) of its Affiliate Exchanges. Particularly, the Exchange believes the proposed monthly per port fee is reasonable, equitable and not unfairly discriminatory since as the Exchange has determined to not charge multiple fees for the same port. Indeed, the Exchange notes that several ports are in fact purchased and utilized across one or more of the Exchange's affiliated Exchanges (and charged only once).

The Exchange also believes that the proposed fee change is not unfairly discriminatory because it would be assessed uniformly across all market participants that purchase the physical ports. The Exchange believes increasing the fee for 10 Gb physical ports and charging a higher fee as compared to the 1 Gb physical port is equitable as the 1 Gb physical port is 1/10th the size of the 10 Gb physical port and therefore does not offer access to many of the products and services offered by the Exchange (*e.g.*, ability to receive certain market data products). Thus, the value of the 1 Gb alternative is lower than the value of the 10 Gb alternative, when measured based on the type of Exchange access it offers. Moreover, market participants that purchase 10 Gb physical ports utilize the most bandwidth and therefore consume the most resources from the network. The Exchange also anticipates that firms that utilize 10 Gb ports will benefit the most from the Exchange's investment in offering NY6 as the Exchange anticipates there will be much higher quantities of 10 Gb physical ports connecting from NY6 as

compared to 1 Gb ports. Indeed, the Exchange notes that 10 Gb physical ports account for approximately 90% of physical ports across the NY4, NY5, and NY6 data centers, and to date, 80% of new port connections in NY6 are 10 Gb ports. As such, the Exchange believes the proposed fee change for 10 Gb physical ports is reasonably and appropriately allocated.

#### *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 fee change will not impact intramarket competition because it will apply to all similarly situated TPHs equally (*i.e.*, all market participants that choose to purchase the 10 Gb physical port). Additionally, the Exchange does not believe its proposed pricing will impose a barrier to entry to smaller participants and notes that its proposed connectivity pricing is associated with relative usage of the various market participants. For example, market participants with modest capacity needs can continue to buy the less expensive 1 Gb physical port (which cost is not changing) or may choose to obtain access via a third-party re-seller. While pricing may be increased for the larger capacity physical ports, such options provide far more capacity and are purchased by those that consume more resources from the network.

Accordingly, the proposed connectivity fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation reflects the network resources consumed by the various size of market participants—lowest bandwidth consuming members pay the least, and highest bandwidth consuming members pay the most.

The proposed fee change also does not impose a burden on competition or on other Self-Regulatory Organizations that is not necessary or appropriate. As described above, the Exchange evaluated its proposed fee change using objective and stable metric with limited volatility. Utilizing Data Processing PPI over a specified period of time is a reasonable means of recouping a portion of the Exchange's investment in maintaining and enhancing the connectivity service identified above. The Exchange believes utilizing Data Processing PPI, a tailored measure of inflation, to increase certain connectivity fees to recoup the Exchange's investment in maintaining and enhancing its services and products

would 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 comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>27</sup> and paragraph (f) of Rule 19b-4<sup>28</sup> 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](mailto:rule-comments@sec.gov). Please include file number SR-C2-2025-006 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-C2-2025-006. 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 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-C2-2025-006 and should be submitted on or before April 21, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>29</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025-05450 Filed 3-28-25; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-102727; File No. SR-CboeBYX-2025-008]

**Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing of a Proposed Rule Change 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**

March 25, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 14, 2025, Cboe BYX Exchange, Inc. ("Exchange" or "BYX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to

<sup>29</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

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") Cboe BYX Exchange, Inc. (the "Exchange" or "BYX") proposes to amend Exchange Rule 11.25(e) ("Priority and Execution of Orders") to allow (1) Users to utilize the Exchange's Match Trade Prevention ("MTP") 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 Periodic Auction Orders entered with both an MTP instruction and Minimum Quantity instruction, when a Periodic Auction is 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 ([http://markets.cboe.com/us/equities/regulation/rule\\_filings/byx/](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 Exchange proposes to amend Exchange Rule 11.25(e) ("Priority and Execution of Orders") to allow (1) Users to utilize the Exchange's Match Trade Prevention ("MTP")<sup>3</sup> functionality when entering Periodic Auction

<sup>3</sup> See Rule 11.9(f).

<sup>27</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>28</sup> 17 CFR 240.19b-4(f).

Orders<sup>4</sup> onto the Exchange for execution; (2) add new rule text describing how the System<sup>5</sup> 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 Periodic Auction Orders entered with both an MTP instruction and Minimum Quantity<sup>6</sup> instruction, when a Periodic Auction is in progress.

By way of background, MTP is an existing process<sup>7</sup> 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”).<sup>8</sup> 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 order their flow to prevent undesirable trading activity such as wash sales<sup>9</sup> or self-trades<sup>10</sup> 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.

#### 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,<sup>11</sup> the Exchange reasoned that MTP is mainly designed for use on the Continuous Book,<sup>12</sup> and use of MTP for Periodic Eligible Orders (“PAE”)<sup>13</sup> and Periodic Auction Only Orders (“PAO”)<sup>14</sup> (collectively, Periodic Auction Orders) may complicate the execution of an auction that requires the pooling and matching of multiple orders against other orders at the Periodic Auction Book Price.<sup>15</sup>

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>.

<sup>11</sup> See Securities and Exchange Act Release No. 34–91423 (March 26, 2021), 86 FR 17230 (April 1, 2021) (SR-CboeBYX–2020–021).

<sup>12</sup> The term “Continuous Book” shall mean an order on the BYX Book that is not a Periodic Auction Order, and the term “Continuous Book” shall mean the System’s electronic file of such Continuous Book Orders. See Rule 11.25(a)(2), definition of “Continuous Book Order”.

<sup>13</sup> “A ‘Periodic Auction Eligible Order’ 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).

<sup>14</sup> “A ‘Periodic Auction Only Order’ 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 executions on the Continuous Book.” See Rule 11.25(b)(1). Hereinafter, Periodic Auction Only Orders as, “PAO Orders.”

<sup>15</sup> “The term ‘Periodic Auction Book Price’ shall mean the price within the Collar Price Range at which the most shares from the Periodic Auction

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 them manage their order flow and prevent undesirable executions against themselves. Users are not asking to utilize MTP for their Periodic Auction Orders when a Periodic Auction is occurring.

Accordingly, the Exchange now seeks to allow Users to enter onto the Exchange Periodic Auction Orders with MTP instructions (“MTP Order”).<sup>16</sup> 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 the MTP instruction that a User has included on MTP Order or apply MTP and cancel an inbound MTP Order despite the fact that 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<sup>17</sup> applies MTP will depend on whether the inbound MTP Order is a Continuous Book Order<sup>18</sup> or a Periodic Auction Order.

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 11.25(a)(5), definition of “Periodic Auction Book Price”.

<sup>16</sup> 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); Securities and Exchange Act Release No. 34–96292 (November 10, 2022), 87 FR 68766 (November 16, 2022) (SR–CboeEDGX–2022–048).

<sup>17</sup> 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).

<sup>18</sup> 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).

<sup>4</sup> The term “Periodic Auction Order” shall mean a “Periodic Auction Only Order” or “Periodic Auction Eligible Order” 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).

<sup>5</sup> 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).

<sup>6</sup> 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).

<sup>7</sup> 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).

<sup>8</sup> See Rule 11.9(f)—Match Trade Prevention (“MTP”) Modifiers.

<sup>9</sup> 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. 781(a)(1); FINRA Rule 6140(b) (“Other Trading Practices”).

<sup>10</sup> Self-trades are “transactions in a security resulting from the unintentional interaction of orders originating from the same firm that involve

First, proposed Rule 11.25(g)(1)(A) would state that if a Periodic Auction is in progress, and the inbound order is an MTP Continuous Book Order that would, but for application of MTP, execute against a contra-side resting MTP Periodic Auction Order participating in the Periodic Auction, then the System will not apply MTP upon entry of the MTP Continuous Book, or at the end of the Periodic Auction Period. Instead, the inbound MTP Continuous Book Order would be processed as set forth in Rule 11.25(a)–(e). The temporary bypassing of MTP in this scenario is due to the fact that while the inbound MTP Continuous Book orders *may* trade with the MTP Periodic Auction Order, it is just as likely that the MTP Continuous Book Order may not trade with the MTP Periodic Auction Order. As such, based on User feedback, the Exchange has elected to temporarily bypass MTP to prevent the cancellation of the inbound MTP Continuous Book Order and denying such order the chance from executing on the Continuous Book.

Second, proposed Rule 11.25(g)(1)(B) would state if a Periodic Auction is in progress, and the inbound order is an MTP Periodic Auction Order that would, but for the application of MTP, join the Periodic Auction, and there is a resting contra-side MTP Continuous Book Order on the BYX Book, then the System will not apply MTP at the of the Periodic Auction Period. Rather, the inbound MTP Periodic Auction Order would be processed as set forth in Rule 11.25(a)–(e). Here, the Exchange believes that the temporarily bypassing MTP is warranted because the inbound MTP 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. 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, while the Periodic Auction is in progress, the resting MTP Continuous Book order could receive an execution on the Continuous Book, and it would be more costly to deny an order an execution at its desired terms, than to cancel the order based on the possibility that it *may* trade with another MTP Order.

Third, proposed Rule 11.25(g)(1)(C) would state that if a Periodic Auction is in progress, and the inbound order is an MTP Periodic Auction Order that upon entry would, but for the application of

MTP, execute 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, the canceling the inbound MTP Periodic Auction Order is necessary in order to prevent disrupting the Periodic Auction. While this action may result in a User executing an undesirable wash sale, the Exchange does not wish to interrupt a Periodic Auction once it is initiated, as doing so may impact multiple Users, not just the User utilizing MTP.

Finally, proposed Rule 11.25(g)(2) would state that when a Periodic Auction is in progress, the System will ignore a Minimum Quantity instruction appended to an MTP Periodic Auction Order or an MTP Continuous Book Order. However, at the end of the Periodic Auction Period, Minimum Quantity Orders will execute in accordance with Rule 11.25(b)(2)(C). The Exchange notes it has designed the proposed MTP and Minimum Quantity Order functionality in this manner because the design of Exchange's Systems would require multiple scans of resting orders to determine whether an incoming MTP Periodic Auction Order's Minimum Quantity requirement could be satisfied. This additional System scan would add unnecessary complexity to the Periodic Auction process, potentially resulting in unwarranted order processing delays, and impacting the initiation and completion of a Periodic Auction based on *optional* risk checks that a single User has chosen to utilize, thereby unintentionally impacting other Users participating in the Periodic Auction.

Importantly, BYX notes that the bypassing of an inbound order's MTP modifier—whether a MTP Continuous Book Order or MTP Periodic Auction Order—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 cancellation 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.

#### 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 (*i.e.*, PAOs or PAEs) are non-displayed, and Members may send PAOs or PAEs. 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 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.<sup>19</sup> 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.<sup>20</sup>

<sup>19</sup>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).

<sup>20</sup>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

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. The Periodic Auction Book Price<sup>21</sup> will be the price where most shares will trade within the Collar Price Range. Orders are executed according to the following three priority levels: (1) Displayed Continuous Book orders will be executed first using price/time Priority; (2) Periodic Auction Orders will be executed second using Size/Time Priority; and (3) hidden Continuous Book orders will be executed third using standard BYX Priority.<sup>22</sup>

Example 1: Non-MTP Scenario, Periodic Auction Only or Periodic Auction Eligible Orders Initiate an Auction

- NBBO: 10.00 x 10.05
- Order 1: Buy 100 @10.05 Midpoint Peg—Periodic Auction Only/Eligible
- Order 2: Sell 100 @10.05 Midpoint Peg—Periodic Auction Only/Eligible
- Result: A Periodic Auction is initiated when Order 2 matches with Order 1

Example 2: Non-MTP Scenario, Periodic Auction Eligible Order Can Trade Immediately With Continuous Book

- NBBO: 10.00 x 10.10
- Order 1: Buy 100 @10.05 Midpoint Peg—Continuous Book order
- Order 2: Buy 100 @10.05 Midpoint Peg—Periodic Auction Only
- Order 3: Sell 100 @10.05 Midpoint Peg—Periodic Auction Eligible
- Result: Periodic Auction is not started; Order 1 and Order 3 trade immediately for 100 @10.05

Example 3: Non-MTP Scenario, Periodic Auction Only Order and Periodic Auction Eligible Order Start an Auction

- NBBO: 10.00 x 10.10
- Order 1: Buy 150 @10.05 Midpoint Peg—Periodic Auction Only

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).

<sup>21</sup> 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).

<sup>22</sup> See Rule 11.12, Priority of Orders.

- Order 2: Sell 100 @10.05 Midpoint Peg; does not trade with Order 1 immediately or initiate a Periodic Auction
- Order 3: Sell 100 @10.05 Midpoint Peg—Periodic Auction Eligible
- Result:
  - Periodic Auction begins when Order 3 is entered;
  - Matched size and price message is sent for 100 @10.05 after X (random time period between 0–99 milliseconds) milliseconds.
  - Order 3 is locked from trading in the Continuous Book for entire duration of the Periodic Auction Period
  - Order 2 is still available for trading in the Continuous Book during the Periodic Auction Period
  - Periodic Auction ends after 100 milliseconds
  - Order 1 trades @10.05 with Order 3 (Periodic Auction Only/Periodic Auction Eligible orders have priority over hidden continuous book orders).
  - Order 1 trades 50 @10.05 with Order 2.

Periodic Auctions—When MTP Is Appended to a User's Periodic Auction Orders

As discussed further above, Users have expressed a desire to utilize BYX's MTP functionality for their Periodic Auction Orders. Users have stated that use of MTP will assist them in better managing their 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. To illustrate how MTP will behave when applied to Periodic Auction Orders, consider the following examples:

Example 1: Periodic Auction Is Not in Progress—Two PAE Orders Matching—MTP Action Occurs

Example 1 illustrates how MTP will operate when Firm A's resting PAE Order with an MTP modifier of MTP Cancel Oldest ("MCO"),<sup>23</sup> interacts with

<sup>23</sup> MTP Cancel Oldest ("MCO") is defined as "[a]n incoming order marked with the "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 MCO modifier will be cancelled

a subsequent inbound PAE Order submitted by Firm A with an MTP modifier of MCO and a Periodic Auction is *not* in progress. Here, MTP operates in the same manner<sup>24</sup> as it would for Continuous Book Orders, in accordance with Rule 11.9(f) and proposed Rule 11.25(g)(2); *i.e.*, because Firm A's inbound PAE Order was entered with an MTP modifier of MCO, the System will cancel Firm A's Order 1,<sup>25</sup> which is the "oldest" contra-side Firm A order that is marketable versus Firm A's inbound PAE Order to sell. This MTP action prevents Firm A from potentially trading with itself either on the Continuous Book or during a Periodic Auction.<sup>26</sup>

- Order 1—Resting (Firm A): PAE Order (MTP = Cancel Oldest), Buy 100 @1.00
- Order 2—Inbound order (Firm A): PAE Order (MTP = Cancel Oldest), Sell 200 @1.00
- Result: Order 1 is canceled

Example 2: Two PAO Orders Matching—MTP Action Occurs

Example 2 illustrates how MTP will operate when Firm A's resting PAO Order with an MTP Modifier of MCN, interacts with Firm A's inbound PAO Order with an MCN modifier, and a Periodic Auction is *not* in progress. Here, MTP operates in the same manner as it would for Continuous Book Orders and as provided for in Rule 11.9(f) and

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).

<sup>24</sup> See Rule 11.9(f)—Match Trade Prevention ("MTP") Modifiers. Any incoming order designated with an MTP modifier will be prevented 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 identifiers, trading group identifier, Exchange Sponsored Participant identifier, affiliate identifier, or Multiple Access identifier (any such identifier, a "Unique Identifier"). The order canceled by the System will depend on the incoming order's MTP modifier, as described in 11.9(f)(1)–(5).

<sup>25</sup> See Rule 11.9(f)(2).

<sup>26</sup> As MTP action is controlled by the incoming order ("... the MTP modifier on the incoming order controls the interaction between two orders marked with MTP modifiers." See Rule 11.21(g)), Firm A's Order 1 was correctly cancelled in this situation. Note, however, that if Firm A's Order 2 had included an MTP modifier of MTP Cancel Newest ("MCN"), the result would simply be that Order 2 is instead canceled. MTP Cancel Newest ("MCN") is defined as "[a]n incoming order marked with the "MCN" modifier will not execute against opposite side resting interest marked with any MTP modifier originating from the same Unique Identifier. The incoming order marked with the MCN modifier will be cancelled back to the originating User(s). The resting order marked with an MTP modifier will remain on the BYX Book." See Rule 11.9(f)(1). Similarly, if we changed Order 1's MTP Modifier to Cancel Newest and Order 2 remained as MTP Cancel Oldest, Order 1 would be canceled as Order 2's instruction controls MTP action.

proposed Rule 11.25(g)(2); *i.e.* because Firm A has designated its inbound Order 2 with MCN, the System will cancel Firm A's Order 2, which is Firm's A's newest contra-side order that is marketable versus Firm A's resting Order 1. This MTP action prevents Firm A from potentially trading with itself during a Periodic Auction.

- *Order 1—Resting (Firm A): PAO Order (MTP = Cancel Newest), Buy 100 @1.00*
- *Order 2—Inbound order (Firm A): PAO Order (MTP = Cancel Newest), Sell 200 @1.00*
- *Result: Order 2 is canceled*

For the sake of clarity, the Exchange also wishes to explain what would happen to Order 2 if a Periodic Auction was in progress when Order 2 arrived. To address this scenario, assume an inbound Periodic Auction Order from Firm B—Order X—arrived between Order 1 and Order 2, and initiated a Periodic Auction with Order 1. Here, when Order 2 arrives, and the Periodic Auction is in progress, Order 2 would still be canceled. When 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 originating from the same Unique Identifier that is also designated with a MTP modifier, the inbound Periodic Auction Order will be canceled. This behavior will enable Users to better manage their order flow and prevent undesirable executions in Periodic Auctions, just as they do today for their Continuous Book orders.

#### Example 3: Incoming PAE Order Matching Against a PAO Order—MTP Action Occurs

Example 3 illustrates how MTP will operate when Firm A's resting PAO Order with a MTP modifier of MTP Cancel Smallest ("MCS"),<sup>27</sup> interacts with Firm A's inbound PAE Order with an MCS modifier, and an auction is *not* in progress. Here, MTP operates in the same manner as it would for Continuous Book Orders; *i.e.*, because Firm A has designated its orders with the MTP modifier, MCS, the System will cancel Firm A's Order 1, which is Firm A's small quantity order.<sup>28</sup> This MTP action

<sup>27</sup> MTP Cancel Smallest ("MCS") is defined as "[a]n incoming order marked with the "MCS" modifier will not execute against opposite side resting interest marked with any MTP modifier originating from the same Unique Identifier. If both orders are equivalent in size, both orders will be cancelled back to the originating User(s). If the orders are not equivalent in size, the smaller of the two orders will be cancelled back to the originating User and the larger order will remain on the book. See Rule 11.9(f)(5).

<sup>28</sup> See Rule 11.9(f)(5).

prevents Firm A from potentially trading with itself during a Periodic Auction.

- *Order 1—Resting (Firm A): PAO Order (MTP = Cancel Smallest), Buy 100 @1.00*
- *Order 2—Inbound order (Firm A): PAE Order (MTP = Cancel Smallest), Sell 200 @1.00*
- *Result: Order 1 is canceled*

#### Example 4: Incoming PAE Order Matching Against a Continuous Book Order—MTP Action Occurs

Example 4 illustrates how MTP will operate when Firm A's incoming PAE Order with a MCS modifier, matches against Firm A's resting Continuous Book Order, and a Periodic Auction is *not* in progress. Here, MTP operates in the same manner as it would for Continuous Book Orders, *i.e.*, Firm's A's Order 1 is canceled based on Firm A's Order 2 MCS modifier because Order 1 is smaller than Order 2. Because a PAE Order is eligible to receive an execution on the Continuous Book, and both Order 1 and Order 2 are designated with MTP modifiers, the System correctly cancels Order 1, thereby preventing Firm A from potentially trading with itself on the Continuous Book.

- *Order 1—Resting (Firm A): Continuous Book order (MTP = Cancel Smallest), Buy 100 @1.00*
- *Order 2—Inbound order (Firm A): PAE Order (MTP = Cancel Smallest), Sell 200 @1.00*
- *Result: Order 1 is canceled*

#### Example 5—Incoming PAE Order Matching Against a Continuous Book Order When a Periodic Auction Is in Progress—No MTP Action Occurs

For the sake of clarity, the Exchange wishes to describe what would happen to Order 1 if a Periodic Auction is in progress and an inbound Periodic Auction Order arrives (*e.g.*, Order 4). First, note that a Continuous Book Order cannot initiate a Periodic Auction.<sup>29</sup> 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

<sup>29</sup> 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."

Order 1 and Order 4 are designated with MTP modifiers originating from the same Unique Identifiers. Upon the arrival of Order 4, a Periodic Auction Order, the System will temporarily bypass<sup>30</sup> Order 1's and Order 4's MTP instruction, and Order 4 will join the Periodic Auction. Order 1 will remain on the 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, 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 cancellation of orders in situations where an immediate execution would not occur.

- *NBBO: 10.00 x 10.05*
- *Order X (Firm B): Buy 100 @10.03—Midpoint Peg PAO*
- *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 2 trade 100 @ 10.025 in Periodic Auction*

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.

<sup>30</sup> 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.

**Example 6: Incoming Continuous Book Order Matching Against a PAO Order—No MTP Action Occurs**

Example 6 illustrates how MTP will operate when Firm A's incoming Continuous Book Order with an MCS modifier matches with Firm A's resting PAO Order with an MCS modifier, and a Periodic Auction is *not* in progress. Here, MTP will not be applied because PAO Orders and Continuous Book Orders are not permitted to trade with one another.<sup>31</sup> As such, MTP is not needed to prevent Firm A's Order 1 from trading with Firm A's Order 2 and as such, Order 2 is permitted to post to the BYX Book.

- *Order 1—Resting (Firm A): PAO Order (MTP = Cancel Smallest), Buy 100 @1.00*
- *Order 2—Inbound order (Firm A): Continuous Book order (MTP = Cancel Smallest), Sell 200 @1.00*
- *Result: Order 2 will rest in the Continuous Book, and there is no MTP action*

**Example 7: Incoming Order Is Canceled Due to “Periodic Auction in Progress” Involving a PAO Order**

Example 7 illustrates how an incoming order with a MTP modifier is canceled because a Periodic Auction is in progress. Here, Firm A's inbound Order 2, a PAE Order to sell 200 @1.00, with a MTP modifier of MTP Cancel Both (“MCB”),<sup>32</sup> 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.

The entry of Order 3 presents a scenario in which the Exchange seeks to implement MTP functionality that behaves differently than demonstrated in each of the preceding five examples. Specifically, if 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, then 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.

Applying this proposed behavior to Example 7'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<sup>33</sup> instruction would result in the cancellation 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 Members the ability to utilize MTP for their Periodic Auction Orders in each of the scenarios described in the preceding five examples.<sup>34</sup>

- *Order 1—Resting (Firm B): PAO Order, Buy 100 @1.00*
- *Order 2—Inbound Order (Firm A): PAE Order (MTP = Cancel Both), 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 prevent Order 3 from participating in the Periodic Auction, canceling Order 2, and disrupting the completion of the Periodic Auction*

**Example 8: Incoming Order Has MTP Temporarily Bypassed in a Periodic Auction**

Example 8 is another example of MTP being temporarily bypassed when a Periodic Auction is in progress, despite the Member 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<sup>35</sup> an inbound Continuous Book Order's MTP modifier when a 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, or alternatively receive an execution from the Continuous Book. In such instance, applying the Continuous Book Order's MTP modifier and canceling such order based on the *potential* that the order could trade in the Periodic Auction, would be unnecessarily prohibitive. By posting to the Continuous Book, such order could still execute without violating its MTP instructions.

Based on the proposed MTP functionality, Order 3 will post to the BYX Book prior to the end of the Periodic Auction as the MTP modifier is temporarily bypassed.<sup>36</sup> 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. Prior to the end of the Periodic Auction, Order 3 will be matched 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 perhaps post and trade while the Periodic Auction is in progress. The Exchange therefore believes cancelling Order 3 based on its *potential* to trade in the Periodic Auction would unnecessarily prevent a Member from potentially receiving a Continuous Book execution. While the proposed MTP functionality will explicitly and

<sup>31</sup> *Supra* note 12 (“Periodic Auction Only Orders are not eligible for execution on the Continuous Book.”).

<sup>32</sup> MTP Cancel Both (“MCB”) is defined as “[a]n incoming order marketed with the “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). demonstrates the proposed functionality described in proposed Rule 11.25(e)

<sup>33</sup> See Rule 11.9(f)(4).

<sup>34</sup> The Exchange 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 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 serve to benefit Members that choose to utilize this tool.

<sup>35</sup> 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 be afforded the protections of MTP.

<sup>36</sup> 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 be afforded the protections of MTP.

automatically temporarily bypass a Member's MTP modifier when the scenario described in Example 8 is present, 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 instances described in each of the preceding six examples.<sup>37</sup>

- *Order 1—Firm A: PAE Order (MTP = Cancel Oldest), 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 9: Minimum Quantity Order Unable To Be Filled (PAE vs. PAE)

Example 9 illustrates how the System will ignore the Minimum Quantity instruction on a Periodic Auction Order that is also designated with an MTP modifier when the Minimum Quantity cannot be satisfied. Specifically, in the event a Periodic Auction Order is entered as a Minimum Quantity Order in addition to an MTP modifier (*e.g.*, Order 1), and such Periodic Auction Order could initiate a Periodic Auction with a contra-side Periodic Auction Order or trade with a Continuous Book Order (*e.g.*, Order 2), designated with an MTP modifier from the same Unique Identifier as Order 1, the System will ignore Order 1's Minimum Quantity instruction, and apply MTP, regardless of whether the Minimum Quantity is satisfied. Here, upon entry of Order 2, the System will ignore Order 1's

Minimum Quantity instruction, and instead apply MTP, resulting in the cancellation of Order 1.

- *Order 1 (Firm A): Buy 1000 @10.02—PAE—Min Quantity = 500 (MTP=any)*
- *Order 2 (Firm A): Sell 400 @10.02—PAE order (MTP=Cancel Oldest)*
- *Result: Order 2 cannot initiate an auction with Order 1 due to the MIN quantity on Order 1. 'MIN' on Order 1 is ignored and Order 2 cancels Order 1. Order 2 posts to the book.*

#### Example 10: Minimum Quantity Order Able To Be Filled (PAE vs. PAE)

Example 10 illustrates how the System will ignore the Minimum Quantity instruction on a Periodic Auction Order that is also designated with an MTP modifier, when the Minimum Quantity is satisfied. Here, even though the Minimum Quantity for Order 1 can be satisfied by Order 2, the System will apply MTP resulting in the cancellation of Order 1.

- *Order 1 (Firm A): Buy 1000 @10.02—PAE—Min Quantity = 500 (MTP = any)*
- *Order 2 (Firm 2): Sell 1000 @10.02—PAE (MTP = Cancel Oldest)*
- *Result: The System applies MTP, and cancels Order 1*

#### 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.<sup>38</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>39</sup> 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)<sup>40</sup> 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.

By making clear to Users the differences in MTP functionality for Periodic Auction Orders as compared to non-Periodic Auction Orders, 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. 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)–(C), 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.

Similarly, 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

<sup>37</sup> The Exchange 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 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 serve to benefit Members that choose to utilize this tool.

<sup>38</sup> 15 U.S.C. 78f(b).

<sup>39</sup> 15 U.S.C. 78f(b)(5).

<sup>40</sup> *Id.*

incorporating Minimum Quantity into the Periodic Auction process 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, 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.<sup>41</sup>

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

- A. by order approve or disapprove such proposed rule change, or
- B. institute proceedings to determine whether the proposed rule change should be disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing,

<sup>41</sup> See "Trade Big with Cboe U.S. Periodic Auctions," available at: [https://www.cboe.com/us/equities/trading/offers/periodic\\_auctions/](https://www.cboe.com/us/equities/trading/offers/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.")

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](mailto: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 April 21, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>42</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2025-05452 Filed 3-28-25; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>42</sup> 17 CFR 200.30-3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102729; File No. SR-CboeEDGX-2025-025]

### Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Modify Logical Port Fees

March 25, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 14, 2025, Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX Options”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX Options”) proposes to amend its Fee Schedule to modify logical port fees. 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/](http://markets.cboe.com/us/options/regulation/rule_filings/edgx/)), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to amend its fee schedule for its equity options platform (“EDGX Options”) relating to logical connectivity fees.<sup>3</sup>

By way of background, the Exchange offers a variety of logical ports, which provide users with the ability within the Exchange’s System to accomplish a specific function through a connection, such as order entry, data receipt or access to information. The Exchange currently assesses, among other things, the following logical port connectivity fees on a monthly basis: \$500 per port for Logical Ports;<sup>4</sup> \$500 per port for Multicast PITCH Spin Server Ports (“Spin Ports”) and GRP Ports;<sup>5</sup> and \$600 per port for Ports with Bulk Quoting Capabilities<sup>6</sup> (“Bulk Ports”). The Exchange proposes to increase the monthly fees for the forgoing ports to the following rates: \$750 per port for Logical Ports, Spin Ports and GRP Ports and \$1,000 per port for Bulk Ports. The Exchange notes the proposed fee change better enables it to continue to maintain and improve its market technology and services. Additionally, the proposed fee amounts for Logical Ports, Spin Ports and GRP Ports are the same as the fees assessed on one of the Exchange’s affiliated options exchanges with similar market share for the same corresponding logical connectivity and the proposed fee amount for Bulk Ports is even lower than the fees assessed by

<sup>3</sup> The Exchange initially filed the proposed fee change on January 2, 2024 (SR-CboeEDGX-2024-006). On March 1, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-017. On April 30, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-023. On June 28, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-040. On August 26, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-055. On October 23, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-070. On December 17, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-084. On December 30, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGX-2024-089. On February 28, 2025, the Exchange withdrew that filing and submitted SR-CboeEDGX-2025-016. On March 14, 2025, the Exchange withdrew that filing and submitted this filing.

<sup>4</sup> Logical Ports include FIX and BOE ports (used for order entry), drop logical port (which grants users the ability to receive and/or send drop copies) and ports that are used for receipt of certain market data feeds.

<sup>5</sup> Spin Ports and GRP Ports are used to request and receive a retransmission of data from the Exchange’s Multicast PITCH data feeds.

<sup>6</sup> Bulk Quoting Capabilities Ports provide users with the ability to submit and update multiple bids and offers in one message through logical ports enabled for bulk-quoting.

the same affiliated options exchange for the same corresponding Bulk Port connectivity.<sup>7</sup> The proposed fees are also similar to or less than amounts assessed by other exchanges for similar connections.<sup>8</sup>

##### 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.<sup>9</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>10</sup> 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)<sup>11</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4)<sup>12</sup> of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposed fees are reasonable as they are the same, or lower than, the amounts assessed by affiliated options exchanges for the same functionality (and which were

<sup>7</sup> See Cboe BZX Options Exchange Fee Schedule, Options Logical Port Fees and Cboe Exchange Fees Schedule, Logical Connectivity Fees, which assesses a monthly fee of \$750 per port for Logical Ports, Spin Ports and GRP Ports and between \$1,500–\$2,500 per port for Bulk Ports.

<sup>8</sup> See, e.g., The Nasdaq Stock Market Options 7: Pricing Schedule, Section 3 Nasdaq Options Market—Ports and Other Services, which assesses a monthly fee of \$650 per port for FIX Ports (which are analogous to the Exchange’s Logical Ports) and up to \$1,500 per port for SQF Ports (which are similar to the Exchange’s Bulk Ports); and BOX Exchange LLC (“BOX”) Fee Schedule, Section III, B. (Technology Fees), which assesses \$1,080 for Market Making SOLA Access Information Language (“SAIL”) Ports (which are analogous to the Exchange’s Bulk Ports).

<sup>9</sup> 15 U.S.C. 78f(b).

<sup>10</sup> 15 U.S.C. 78f(b)(5).

<sup>11</sup> *Id.*

<sup>12</sup> 15 U.S.C. 78f(b)(4).

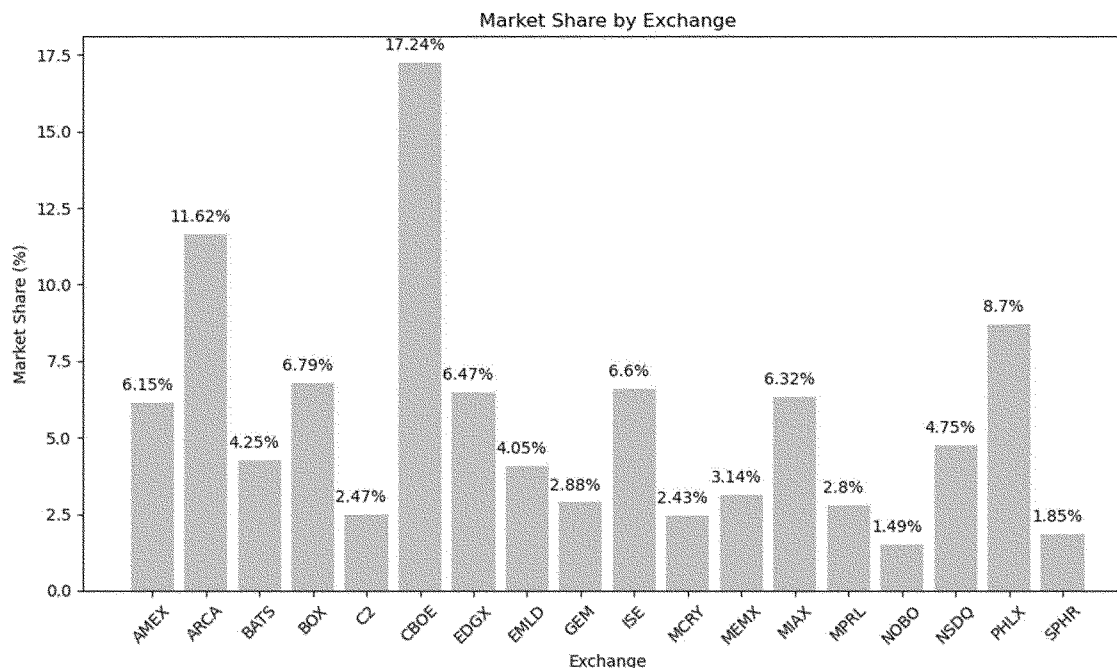
<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

similarly adopted via the rule filing process and filed with the Commission). The proposed fees are also similar to or less than fees assessed by other exchanges, for analogous connections.<sup>13</sup> Further, the Exchange notes that an

affiliated options exchange and other exchanges that offer similar pricing for similar or the same connections have a comparable, or even lower, market share as the Exchange, as detailed further below. Indeed, the Exchange has

reviewed the U.S. options market share for each of the eighteen options markets utilizing total options contracts traded in 2025 through February 27, 2025, as set forth in the following graph:<sup>14</sup>



The Exchange notes that the proposed Logical Port fee of \$750 per port is comparable to fees charged by at least two other exchanges with comparable (indeed, even lower) market share, particularly by Cboe BZX Exchange, Inc. (“BZX Options”) and The Nasdaq Stock Market LLC (“Nasdaq Options”), as summarized in Table 1:

TABLE 1

| Exchange             | Market share (%) | Monthly fee per port |
|----------------------|------------------|----------------------|
| EDGX Options .....   | 6.47             | \$750                |
| BZX Options .....    | 4.25             | 750                  |
| Nasdaq Options ..... | 4.75             | 650                  |

The proposed Spin and GRP Port fees of \$750 per port are also the same as those currently charged by the Exchange’s affiliate BZX Options for the same ports, notwithstanding BZX Options’ lower market share, as summarized in Table 2:

TABLE 2

| Exchange           | Market share (%) | Monthly fee per port |
|--------------------|------------------|----------------------|
| EDGX Options ..... | 6.47             | \$750                |
| BZX Options .....  | 4.25             | 750                  |

Finally, the Exchange notes that the proposed Bulk Port fee is lower than the fees charged for analogous ports by at least three exchanges with similar or even lower market share including BOX Exchange LLC (“BOX”), BZX Options, and Nasdaq Options as summarized in Table 3:

TABLE 3

| Exchange          | Market share (%) | Monthly fee per port |
|-------------------|------------------|----------------------|
| EDGX Options ...  | 6.47             | \$1,000.             |
| BOX .....         | 6.79             | \$1,080.             |
| BZX Options ..... | 4.25             | \$1,500–\$2,500.     |
| Nasdaq Options    | 4.75             | Up to \$1,500.       |

The Exchange believes the above comparisons therefore supports the

proposition that the proposed logical connectivity fees are comparable to those of other exchanges for the same or analogous connectivity offerings and are reasonable.

Additionally, the Exchange believes the proposed fee increase is reasonable in light of recent and anticipated connectivity-related upgrades and changes. The Exchange and its affiliated exchanges recently launched a multi-year initiative to improve Cboe Exchange Platform performance and capacity requirements, including for its U.S. options markets, to increase competitiveness, support growth and advance a consistent world class platform. The goal of the project, among other things, is to provide faster and more consistent order handling and matching performance for options, while ensuring quicker processing time and supporting increasing volumes. For example, the Exchange is currently performing order handler and matching engine hardware upgrades across its markets to advance this goal. The Exchange anticipates that upgrades to its matching engines may result in a

<sup>13</sup> *Supra* notes 7 and 8.

<sup>14</sup> Market share is the percentage of volume on a particular exchange relative to the total volume across all exchanges, and indicates the amount of

order flow directed to that exchange. High levels of market share enhance the value of trading and ports. Total contracts include both multi-list options and proprietary options products.

Proprietary options products are products with intellectual property rights that are not multi-listed. The Exchange does not currently list proprietary products.

latency reduction up to 40% to 50% on the Exchange and that upgrades to its order handlers may offer lower variability in the processing of message, which can reduce the time a message takes to get to the matching engine. The Exchange expended, and will continue to expend, resources to innovate and modernize technology so that it may benefit its Members and continue to compete among other options markets. The Exchange also notes that neither it—nor its options exchange affiliates—have passed through or offset current or projected costs associated with these upgrades. The ability to continue to innovate with technology and offer new products to market participants allows the Exchange to remain competitive in the options space which currently has 18 options markets and potential new entrants.

Moreover, the Exchange notes that the amount and type of logical ports a Member chooses to purchase is ultimately determined by factors relevant and specific to each market participant, including its business model, costs of connectivity, how its business is segmented and allocated and volume of messages sent to the Exchange. There is also no requirement that any market participant maintain a specific number of logical ports and a market participant may choose to maintain as many or as few of such ports as each deems appropriate. Further, market participants may reduce or discontinue use of these ports in response to the proposed fees. The Exchange also does not assess any termination fee for a market participant to drop its connectivity or membership, nor is the Exchange aware of any other costs that would be incurred by a market participant to do so.

The Exchange finally believes that the proposed fee changes are not unfairly discriminatory because they are assessed uniformly across all market participants that purchase the respective logical ports. All Members have the option to select any connectivity option, and there is no differentiation among Members with regard to the fees charged for the services offered by the Exchange.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed fee change will not impact intramarket competition because it will apply to all similarly situated market participants equally (*i.e.*, all market participants that

choose to purchase the relevant logical ports).

The Exchange believes the proposed fees will not impact intermarket competition because they are also similar to or lower than some fees for similar connectivity on other exchanges, and therefore may stimulate intermarket competition by attracting additional firms to connect to the Exchange or at least should not deter interested participants from connecting directly to the Exchange. Further, if the changes proposed herein are unattractive to market participants, the Exchange can, and likely will, see a decline in usage of these ports as a result. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect directly to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative venues that they may participate on and direct their order flow, including 14 non-Cboe affiliated options markets, as well as off-exchange venues, where competitive products are available for trading. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”<sup>15</sup> The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’ . . .”.<sup>16</sup> Accordingly, the Exchange does not believe its proposed

change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>17</sup> and paragraph (f) of Rule 19b-4<sup>18</sup> 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](mailto:rule-comments@sec.gov). Please include file number SR-CboeEDGX-2025-025 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-2025-025. 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/>

<sup>15</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

<sup>16</sup> *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

<sup>17</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>18</sup> 17 CFR 240.19b-4(f).

*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–2025–025 and should be submitted on or before April 21, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>19</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2025–05454 Filed 3–28–25; 8:45 am]

**BILLING CODE 8011–01–P**

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## SMALL BUSINESS ADMINISTRATION

### Data Collection Available for Public Comments

**ACTION:** 60-Day notice and request for comments.

**SUMMARY:** The Small Business Administration (SBA) intends to request approval from the Office of Management and Budget (OMB) for a revision to the collection of information in SBA Form 1919, “SBA 7(a) Borrower Information Form—For use with all 7(a) Programs”, described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

**DATES:** Submit comments on or before May 30, 2025.

**ADDRESSES:** Send all comments to Robert Carpenter, Financial Analyst, 7(a) Loan Origination Division, Office of Financial Assistance, Small Business Administration, 409 3rd Street, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Robert Carpenter, Financial Analyst, 7(a) Loan Origination Division, Office of Financial Assistance, *robert.carpenter@sba.gov*, 202–205–7654, or Curtis B. Rich, Agency Clearance Officer, 202–205–7030, *curtis.rich@sba.gov*. A copy of the revised Form 1919 may be obtained without charge by request to *robert.carpenter@sba.gov*.

**SUPPLEMENTARY INFORMATION:** SBA is proposing to update SBA Form 1919 to conform to Administration priorities, Executive Orders, and program updates, including but not limited to adding a collection for Applicants who operate under a franchise agreement to enter the name and the SBA Franchise Identifier Code for the franchise. SBA will provide a link to the SBA Franchise Directory so the Applicant may easily locate the appropriate Franchise Identifier Code. SBA intends to revise the “Applicant Ownership (Mandatory) and Demographic Information” section, to revise the instructional paragraph for the Applicant to identify 100% of the Beneficial Owners of the Applicant, and all Beneficial Owners who hold Lawful Permanent Resident (LPR) status, regardless of the percentage of their ownership interest, and provide their alien registration number (ARN) or equivalent. A Beneficial Owner is an individual or entity who owns the business directly or indirectly through another entity.

SBA intends to add new information inputs in the Applicant Ownership and Demographic Information section for the date of birth of the Beneficial Owner, the citizenship status of the Beneficial Owner, the alien registration number of the Beneficial Owners who are not U.S. citizens or U.S. Nationals, but hold Lawful Permanent Resident status with the U.S. Citizenship and Immigration Services (USCIS), and spouse's name if the spouse is also a Beneficial Owner of the Applicant or Operating Company (OC). SBA intends to add additional Certifications that 100% of the Beneficial Ownership in the Applicant and Operating Company is held by citizens of the United States, U.S. Nationals, or individuals who are Lawful Permanent Residents (LPRs). SBA also intends to add a certification that the Applicant is located and primarily operates in the United States (including its territories and possessions), is authorized to conduct

business in the state, territory, or possession where it seeks SBA financial assistance, pays taxes to the United States, and to the extent practicable, purchase only American-made equipment and products with the proceeds of the SBA loan.

SBA intends to revise the language in the questions and certifications in the form to align with the recent changes to the regulatory and procedural requirements for the 7(a) guaranty loan program. Additionally, SBA intends to revise the instructions for completing this form section to provide additional instruction and clarity for NAICS codes, purpose of the loan, and Applicant's Ownership information.

SBA also intends to update the definitions section of the form to include the definitions for “Associate”, “Beneficial Owner”, “Eligible Passive Company”, and “Operating Company”.

The proposed changes are made to comply with Administration priorities and Program updates as well as recent Executive Orders including 14159, “Protecting the American People Against Invasion”, issued January 20, 2025, and SBA Policy Notice 5000–865754, “Policy updates to comply with Executive Order 14159 regarding citizenship requirements for obtaining 7(a) and 504 loans”, published March 7, 2025, and to improve the instructional guidance in the form.

### Solicitation of Public Comments

SBA is seeking to amend Form 1919 to conform to Administration priorities, Executive Orders, and program updates, and to improve the clarity of the questions and instructions. SBA is requesting comments 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.

### Summary of Information Collection

*OMB Control Number:* 3245–0348.

*Title:* SBA 7(a) Borrower Information Form—For use with all SBA 7(a) Loan Programs.

*Description of Respondents:* Small Business 7(a) Loan Applicants.

*Form Number:* SBA Form 1919.

*Total Estimated Annual Responses:* 69,236.

<sup>19</sup> 17 CFR 200.30–3(a)(12).

*Total Estimated Annual Hour Burden:*  
39,233.7 hours.

**Curtis Rich,**

*Agency Clearance Officer.*

[FR Doc. 2025-05441 Filed 3-28-25; 8:45 am]

**BILLING CODE 8026-09-P**

## DEPARTMENT OF STATE

[Public Notice: 12688]

### Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Lorna Simpson: Source Notes” 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 “Lorna Simpson: Source Notes” 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](mailto: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. 2025-05464 Filed 3-28-25; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF STATE

[Public Notice: 12689]

### Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Tintoretto’s Genesis” 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 “Tintoretto’s Genesis” at the Cincinnati Art Museum, Cincinnati, Ohio, 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](mailto: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, 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. 2025-05432 Filed 3-28-25; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No.: FAA-2024-2635; Summary Notice No.-2025-11]

### Petition for Exemption; Summary of Petition Received; 1st Franklin Financial Corp.

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public’s awareness of, and participation in, the FAA’s exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before April 21, 2025.

**ADDRESSES:** Send comments identified by docket number [FAA-2024-2635] using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

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

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jake Troutman, (202) 267-2928, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

**Dan A. Ngo,**

Manager, Part 11 Petitions Branch, Office of Rulemaking.

### Petition for Exemption

*Docket No.:* FAA–2024–2635.

*Petitioner:* 1st Franklin Financial Corp.

*Section(s) of 14 CFR Affected:* § 61.51(f)(2).

*Description of Relief Sought:* 1st Franklin Financial Corp. requests an exemption from Title 14 Code of Federal Regulations (14 CFR) § 61.51(f)(2) to allow their pilots to log second-in-command (SIC) flight time in an aircraft that is type certificated for a single-pilot crewmember for the sole purpose of upgrading to pilot-in command (PIC) for operation of the King Air 350 aircraft under part 91.

[FR Doc. 2025–05466 Filed 3–28–25; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket ID Number: DOT–OST–2014–0031]

### Notice of Submission of Proposed Information Collection to OMB; Agency Request for Renewal of a Previously Approved Collection: Airline Service Quality Performance—Part 234

**AGENCY:** Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), Department of Transportation (DOT or Department).

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the *Paperwork Reduction Act of 1995*, this notice announces that DOT is submitting a request to the Office of Management and Budget (OMB) for renewal of OMB Control Number 2138–0041 covering Airline Service Quality Performance On-time Performance and Mishandled Baggage reports that the largest U.S. air carriers file with DOT under the Code of Federal Regulations (CFR). In this notice, the Department responds to previously submitted comments and announces an additional 30 days of public comment.

**DATES:** Comments on this notice must be received by April 30, 2025. Interested persons are invited to submit comments regarding this proposal.

**ADDRESSES:** Written comments and recommendations for the proposed ICR

should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular ICR by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

### FOR FURTHER INFORMATION CONTACT:

Cecelia Robinson, Office of Airline Information, RTS–42, Room E34–410, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 366–4405 (voice), Fax Number (202) 366–3383 or Email [cecilia.robinson@dot.gov](mailto:cecilia.robinson@dot.gov).

**SUPPLEMENTARY INFORMATION:** DOT collects information regarding flight performance and mishandled baggage, wheelchairs, and scooters from the largest U.S. air carriers under 14 CFR part 234. The air carriers required to provide this information to DOT consist of the U.S. air carriers that account for at least 0.5 percent of domestic scheduled-passenger revenues (Reporting Carriers) as most recently determined by OAI. Also, an air carrier that is not a Reporting Carrier may voluntarily submit the flight performance and mishandled baggage, wheelchairs, and scooters information to the Department pursuant to 14 CFR 234.7. A carrier that voluntarily reports such data to DOT must do so for at least 12 consecutive months.

The Part 234 On-time Performance reports submitted to DOT by air carriers must consist of information on domestic flight operations and performance as described in 14 CFR 234.4.<sup>1</sup> The Part 234 Mishandled Baggage reports submitted to DOT by each Reporting Carrier must include the following information for covered domestic flights: (1) the number of bags mishandled in its custody, (2) the number of bags enplaned into the aircraft cargo compartment, (3) the number of wheelchairs and scooters mishandled in its custody, and (4) the number of wheelchairs and scooters enplaned into the aircraft cargo compartment.<sup>2</sup> Each carrier reporting

<sup>1</sup> The format and instructions for reporting this information are in Technical Reporting Directive #27—On-Time Performance, effective January 1, 2018, available at: <https://www.bts.gov/topics/airlines-and-airports/number-31-technical-directive-time-reporting-effective-jan-1-2019>. The reporting instructions in Technical Reporting Directive #27 were republished in Technical Directive #31 (effective January 1, 2025), which is intended to provide the list of Reporting Carriers for 2025. See <https://www.bts.gov/explore-topics-and-geography/modes/aviation/number-39-technical-directive-reporting-time>.

<sup>2</sup> The format and instructions for reporting mishandled baggage and wheelchair and scooter information to DOT are in Technical Reporting Directive #30A—Mishandled Baggage and

flight performance and mishandled baggage, wheelchair, and scooter information to DOT must do so on a monthly basis for the covered flights it operates and for any covered flights held out under the Reporting Carrier’s code (as the only U.S. carrier code) and operated by a codeshare partner of the Reporting Carrier that is a U.S. air carrier. These codeshare partners generally adopt the marketing carrier’s branding and, thus, are referred to as branded codeshare partners.

DOT uses the information reported by airlines to provide airline performance information and statistics on the BTS website and in the Air Travel Consumer Report (ATCR), a monthly publication of DOT’s Office of Aviation Consumer Protection (OACP). OACP also uses the data to monitor flight delays and cancellations. Consumers, industry stakeholders, and academics use the information DOT publishes to understand and compare airlines’ service quality performance, including airlines’ rates of on-time performance and cancellation and rates of baggage and wheelchair and scooter mishandling. Additionally, section 544(c) of the FAA Reauthorization Act of 2024 (Act), which was enacted on May 16, 2024, directs DOT to evaluate data regarding the type and frequency of incidents involving the mishandling of wheelchairs on aircraft and determine whether there are trends with respect to the data evaluated and make available on the DOT website a report containing the results of the evaluations of data and determinations on how DOT plans to address such results. The mishandled wheelchairs and scooters data reported under part 234 is essential for DOT to comply with this statutory mandate. As for the Part 234 flight performance data, DOT’s Federal Aviation Administration uses the data to analyze air traffic delays. The data can be analyzed for airport design changes, capital investments, and planning new runways or airports based on current and projected airport delays and traffic levels.

A 60-day comment period soliciting comments on the information collections was published on November 8, 2024. See 89 FR at 88861. Three comments were received. On January 28, 2025, the Department published a second notice seeking comment on the information collections, which did not include the Department’s responses to

Wheelchairs and Scooters (Amended), effective January 1, 2019, available at: <https://www.bts.dot.gov/sites/bts.dot.gov/files/docs/explore-topics-and-geography/topics/airlines-and-airports/224606/technicaldirective30abaggage2019amended.pdf>.

the public comments it received in response to the November 8, 2024, notice. See 90 FR 8318.

DOT is publishing this notice to address the comments received on the 60-day notice and announce that its request for renewal of the previously approved information collections described above under OMB Control Number 2138–0041 is being forwarded to OMB. Without further action, OMB authorization of the information collections would expire March 31, 2025.

The Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. A Federal agency generally may not conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, no person shall generally be subject to monetary penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB Control Number.

As noted above, on November 8, 2024, the Department published a 60-day notice in the **Federal Register** soliciting comment on ICRs for which the agency was seeking OMB approval (89 FR at 88861). The Department received comments on the 60-day notice from Airlines for America (A4A), Paralyzed Veterans of America (PVA), and an individual, which are available in the docket. A4A's comments, while recognizing the need for the data, urge the Department to update its on-time performance regulation in part 234 before seeking approval from OMB to renew the collection of part 234 information. PVA's comments, which address the collection of data on mishandled baggage and wheelchair and scooters by the Department, emphasize the importance of all reporting requirements for mishandled wheelchairs and scooters being consistent with requirements in the Department's disability regulation in 14 CFR part 382. The individual comment also supports the Department's collection of mishandled wheelchairs and scooters information, stating that this information allows the Department to hold airlines accountable for mishandling wheelchairs and other assistive devices. The individual adds that this accountability would ideally encourage airlines to improve their practice and handling of wheelchairs

and other devices. By this notice, the Department provides its response to these comments. The Department further announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b) and (c); 5 CFR 1320.12(d). The 30-day notice informs the regulated community to file relevant comments to OMB and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983 (Aug. 29, 1995). Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure their full consideration. 5 CFR 1320.12(c); *see also* 60 FR 44983 (Aug. 29, 1995).

#### Part 234 On-Time Performance

##### 1. A4A Comments and DOT Response Regarding Current Information Collection

A4A's comments assert that, before the Department seeks approval from OMB to renew the collection of part 234 information, the Department should update part 234, and this information collection. As support, A4A cites section 511 of the FAA Reauthorization Act of 2024 (2024 FAA Act)<sup>3</sup> which requires the Department to initiate a rulemaking to revise part 234 to create a new "cause of delay" category or categories that are due to instructions from the FAA Air Traffic Control System. A4A also references its petition for rulemaking to revise on-time performance reporting regulations in part 234. *See Airlines for America, et al., Petition for Rulemaking To Revise On-time Performance Reporting Regulations Under 14 CFR part 234, Docket No. DOT-OST-2024-0123-0001, available at: <https://www.regulations.gov/document/DOT-OST-2024-0123-0001>*. In its comments, A4A suggests that airlines should not face any regulatory liability risk when the Department itself has not abided by the directions of Congress to update the reporting requirements. A4A adds that BTS should revise the applicable technical

<sup>3</sup> FAA Reauthorization Act of 2024, Public Law 118–63, sec. 511 (May 16, 2024).

reporting directives with instructions to report on-time performance data to be consistent with congressional instruction in section 511 of the 2024 FAA Act and other A4A recommendations for quality, utility, and clarity before seeking renewal of the information collection. A4A further asserts that to improve the quality of information, BTS should implement the recommendations from a recent DOT Office of Inspector General (OIG) report addressing flight data collected by BTS. *See Audit Report, AV2025003, available at <https://www.oig.dot.gov/library-item/46490>* (OIG Report).

The Department agrees with A4A that there are issues regarding airlines' reporting of flight performance data that need to be addressed. The Department intends to examine and address these issues as it works through the process of responding to the A4A petition for rulemaking. As directed in section 511 of the FAA Reauthorization Act of 2024, BTS has already initiated a rulemaking titled Revisions to Cause of Delay Categories (RIN 2105–AF29) to address the categories of the causes of delay and cancellation the largest U.S. airlines report to DOT. In addition, BTS has agreed to implement each of the OIG's recommended actions regarding flight performance data. These processes will take time to constructively complete and the Department finds great benefit in continuing to collect on-time performance reports while the issues are evaluated. Therefore, the Department seeks renewal of this information collection while the processes continue.

To the extent the airlines and other members of the public have questions about how DOT intends to enforce certain requirements for reporting on-time performance data, those entities or individuals should contact the Office of Aviation Consumer Protection within the U.S. Department of Transportation's Office of the General Counsel.

##### 2. A4A Comments and DOT Response Regarding Reporting Burden

A4A notes its belief that DOT understated the estimated recordkeeping and reporting burdens for on-time performance and urges DOT to reduce the reporting burden on airlines. A4A states that, based on information from its reporting airline members, for reporting of on-time performance, it can take an air carrier up to 22 hours per month instead of 10 hours per month as estimated by the Department to report flight performance information for the flights they operate, which includes time accrued for data compilation, validation, error correction, and closing

of reports for submission to the Department.

Because A4A's estimate is representative of Reporting Carriers, the Department will adopt this estimate for the purposes estimating the burden or reporting for on-time performance. A4A did not comment on the Department's estimate that it can take air carriers reporting flight performance information for flights operated by their code share partners 16 hours per response each month. Nevertheless, the Department will also rely on A4A's estimate of 22 hours per respondent for reporting flight performance information for flights operated by codeshare partners. Additionally, A4A asserts that more time would be needed to accurately report on the root cause of a delay and estimates approximately 20 more hours per carrier due to the complexity of root cause analysis on downstream flights and the required validation and error correction for precision. The Department will include this time within its burden estimates because at least one Reporting Carrier has been reporting root cause.<sup>4</sup>

### Part 234 Mishandled Baggage and Wheelchairs and Scooters

#### 1. PVA Comment and DOT Response Regarding Current Information Collection

PVA's comments emphasize the importance of collecting data on mishandled baggage and mishandled wheelchair and scooters, especially the number of enplaned wheelchairs and scooters and the number of wheelchairs and scooters mishandled while in the carriers' custody. PVA states that the data collection is necessary for advocacy and for enforcing the Air Carrier Access Act. PVA also points out that collecting the data is consistent with section 544(c) of the 2024 FAA Act, which requires the Department to evaluate data regarding the type and frequency of incidents of mishandled wheelchairs. Further, PVA suggests that there are ways to enhance the quality, utility, and clarity of the information to be collected. Specifically, in reference to BTS Technical Directive #30A for reporting mishandled baggage, wheelchairs, and scooters issued in 2018<sup>5</sup> and the Department's December 17, 2024 final rule on Ensuring Safe Accommodations for Air Travelers With

Disabilities Using Wheelchairs (Wheelchair Rule),<sup>6</sup> PVA states that the Department must update relevant guidance to ensure all reporting requirements for mishandled wheelchairs and scooters are consistent with 14 CFR 382.130, which concerns handling requirements for wheelchairs, scooters, and other assistive devices. PVA also urges the Department to update the Technical Directive regarding when a wheelchair or scooter is in the custody of the carrier as that term is defined under 14 CFR 382.3 and provide any further guidance as necessary to ensure proper reporting.

The Department has carefully considered PVA's comments regarding the Wheelchair Rule and its impact on Technical Directive #30A and does not believe that an amendment of the Technical Directive is necessary. How carriers are required to handle wheelchairs, scooters, and other mobility aids, and what obligations apply (e.g., notifying passengers, providing loaner devices, and arranging for repair) when these devices are mishandled is addressed in 14 CFR 382.130. The regulation does not address how carriers should report mishandled devices. With respect to the definition for "custody," the Department considers the definition of custody in 14 CFR 382.3 to be consistent with the existing definition of custody in Technical Directive #30A.<sup>7</sup>

#### 2. A4A Comments and DOT Response Regarding Reporting Burden

For mishandled baggage reporting, the Department's 60-day notice estimated 10 hours monthly burden for each Reporting Carrier to report data for flights it operates, and another 16 hours for each Reporting Carrier to report data for flights operated by its branded codeshare partners. A4A suggested that the monthly burden should be increased to 14 hours for reporting baggage data and to 72 hours for reporting wheelchair data, both for flights

operated by the reporting airlines. A4A indicates that the estimated burden reflects time accrued compiling data, validating data with third-party service providers, error correction, and closing reports for submission to the Department. In this Notice, the Department is using A4A's estimates for submitting baggage, wheelchair, and scooters data for reporting carrier-operated flights. A4A did not suggest a different burden estimate for reporting mishandled baggage, wheelchair, and scooter data for flights operated by reporting airlines' codeshare partners. However, based on A4A's estimates that reporting wheelchairs and scooters data is significantly more burdensome than reporting other baggage data, the Department is using the estimated burden in the Department's 60-day notice for reporting baggage (excluding wheelchairs) data for codeshare flights (16 hours) and applying A4A's estimated burden for reporting wheelchair data (72 hours) to codeshare flights.

The title, a description of the respondents, and an estimate of the annual recordkeeping and periodic reporting burden for each of the information collections for which DOT seeks renewal are set forth below.

#### 1. Airline Service Quality Performance Reports—Part 234 On-Time Performance

*Respondents:* Certificated air carriers that account for at least 0.5 percent of the domestic scheduled-service passenger revenues are required to report flight performance data for the covered flights that they operate as described in 14 CFR 234.4; Certificated air carriers that account for at least 0.5 percent of domestic scheduled-service passenger revenues are required to report this information for the covered flights marketed under the carrier's code as the only U.S. carrier code that are operated by another U.S. carrier as described in 14 CFR 234.4; Air carriers may voluntarily report flight performance data pursuant to 14 CFR 234.7.

*Estimated Number of Respondents:* 14 air carriers (4 of which market codeshare flights).

*Frequency:* Monthly.

*Estimated Average Burden per Response:* 42 hours for each respondent to report for the flights operated by the respondent and 42 hours for each respondent that reports for flights operated by its branded code-share partners.

*Estimated Total Annual Burden:* 9,072 hours (14 air carriers reporting the flight performance information for the

<sup>4</sup> See OIG Report, page 12.

<sup>5</sup> Technical Reporting Directive #30A—Mishandled Baggage and Wheelchairs and Scooters (Amended), effective Jan. 1, 2019. <https://www.bts.gov/topics/airlines-and-airports/number-30a-technical-directive-mishandled-baggage-amended-effective-jan>.

<sup>6</sup> 89 FR 102398.

<sup>7</sup> Under 14 CFR 382.3, an airline's custody begins when the passenger hands the device to an airline's representative or agent or leaves the wheelchair, scooter, or other assistive device at a location as instructed by the airline; an airline's custody ends when the passenger, or someone acting on behalf of the passenger, or another airline takes physical possession of the wheelchair, scooter, or other assistive device. Similarly, Technical Directive #30A provides that for the purposes of reporting mishandled baggage data to the Department, a bag, wheelchair, or scooter is in the custody of a carrier beginning at the point in time which the passenger hands the bag to the carrier's representative or agent, or leaves the bag at a location as instructed by the carrier. A carrier's custody ends when the passenger, a party acting on the passenger's behalf, or another carrier takes physical possession of the bag.

flights they operate  $\times$  42 hours per response  $\times$  12 months = 7,056 hours) + (4 air carriers reporting the flight performance information for flights operated by their branded codeshare partners  $\times$  42 hours per response  $\times$  12 months = 2,016 hours). This estimate is based on the following information: 14 carriers report the flight performance data for the flights they operated to DOT in calendar year 2025.<sup>8</sup> Currently, 4 carriers report flight performance data to DOT for their branded codeshare operations.

DOT estimates that respondents will encounter up to a 42-hour burden per month to report flight performance data to DOT for the flights they operate. DOT estimates the respondents that market codeshare flights will also encounter up to a burden of 42 hours per month to report flight performance data to DOT for their branded codeshare operations. The burden estimates include staff time to manage and process the data, including by conducting error validation and precision, and to submit the report through DOT's electronic submission system.

## 2. Airline Service Quality Performance Reports—Part 234 Mishandled Baggage

**Respondents:** Certificated air carriers that account for at least 0.5 percent of the domestic scheduled-service passenger revenues are required to report mishandled baggage and wheelchairs and scooters data for the covered flights that they operate as described in 14 CFR 234.6; Certificated air carriers that account for at least 0.5 percent of domestic scheduled-service passenger revenues are also required to report this information for covered flights marketed under the carrier's code as the only U.S. carrier code that are operated by another U.S. carrier as described in 14 CFR 234.6; Air carriers may voluntarily report mishandled baggage and wheelchairs and scooters data pursuant to 14 CFR 234.7.

**Estimated Number of Respondents:** 14 air carriers (4 that market codeshare flights).

**Frequency:** Monthly.

**Estimated Average Burden per Response:** 14 hours for each respondent to report mishandled baggage (other than wheelchairs and scooters) data for the flights operated by the respondent and 72 hours for the respondent to reports mishandled wheelchairs and scooters data for flights operated by the respondent. Additionally, 16 hours to report mishandled baggage (other than wheelchairs and scooters) data for flights operated by the respondent's

branded codeshare partners and 72 hours for reporting wheelchairs and scooters data for the flights operated by the respondent's branded codeshare partners.

**Estimated Total Annual Burden:** 18,672 hours (14 air carriers reporting the mishandled baggage (excluding wheelchairs and scooters) information for flights they operate  $\times$  14 hours per response  $\times$  12 months = 2,352 hours) + (14 air carriers reporting mishandled wheelchairs and scooters information for flights they operate  $\times$  72 hours per response  $\times$  12 months = 12,096 hours) + (4 air carriers reporting the mishandled baggage (excluding wheelchairs and scooters) information for flights operated by their branded codeshare partners  $\times$  16 hours per response  $\times$  12 months = 768 hours) + (4 air carriers reporting the mishandled wheelchairs and scooters information for flights operated by their branded codeshare partners  $\times$  72 hours per response  $\times$  12 months = 3,456 hours). This estimate is based on the following information: 14 carriers report mishandled baggage and wheelchair and scooter information to DOT in calendar year 2025. Currently, 4 carriers report mishandled baggage and wheelchair and scooter information to DOT for their codeshare operations.

DOT estimates that respondents will encounter on up to a 14-hour burden per month to report the mishandled baggage (excluding wheelchairs and scooters) data and up to a 72-hour burden per month to report the mishandled wheelchairs and scooters data to DOT for the flights they operate. This 72-hour burden includes the burden for any respondent to manually enter data notating the enplanement of a wheelchair or scooter.<sup>9</sup> DOT estimates that each respondent that markets codeshare flights will encounter on average an additional burden of 16 hours per month to report the mishandled baggage (excluding wheelchairs and scooters) and 72 hours per month to report the mishandled wheelchair and scooter data to DOT for its branded codeshare operations. The burden estimates include staff time to manage and process the data and to submit the report through DOT's electronic submission system.

### Administrative Issues

The *Confidential Information Protection and Statistical Efficiency Act of 2002* (44 U.S.C. ch. 35) requires a

<sup>9</sup> The Department assumes that most respondents employ automated processes to record that an item enplaned is a wheelchair or scooter for the purposes of reporting data on wheelchairs and scooters to DOT.

statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis, and possible use in regulatory and other administrative matters.

### Public Comments Invited

You are invited to comment on any aspect of this information collection, including: (a) whether the collection of information is necessary for the proper performance of the functions of DOT, including whether the information will have practical utility; (b) the accuracy of DOT's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents. All comments will also become a matter of public record.

Issued at Washington, DC.

**Patricia S. Hu,**

*Director, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology.*

[FR Doc. 2025-05260 Filed 3-28-25; 8:45 am]

BILLING CODE 4910-9X-P

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## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### Agency Information Collection Activities: Information Collection Renewal; Comment Request; Leasing

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, "Leasing."

<sup>8</sup> See Technical Directive #31, supra note 1.

**DATES:** Comments must be received by May 30, 2025.

**ADDRESSES:** Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* [prainfo@occ.treas.gov](mailto:prainfo@occ.treas.gov).
- *Mail:* Chief Counsel's Office,

Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557-0206, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 293-4835.

*Instructions:* You must include "OCC" as the agency name and "1557-0206" in your comment. In general, the OCC will publish comments on [www.reginfo.gov](http://www.reginfo.gov) without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period. You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to [www.reginfo.gov](http://www.reginfo.gov). Hover over the "Information Collection Review" tab and click on "Information Collection Review" from the drop-down menu. From the "Currently under Review" drop-down menu, select "Department of Treasury" and then click "submit." This information collection can be located by searching OMB control number "1557-0206" or "Leasing." Upon finding the appropriate information collection, click on the related "ICR Reference Number." On the next screen, select "View Supporting Statement and Other Documents" and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating [www.reginfo.gov](http://www.reginfo.gov), please contact the Regulatory Information Service Center at (202) 482-7340.

**FOR FURTHER INFORMATION CONTACT:** Shaquita Merritt, Clearance Officer,

(202) 649-5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 generally requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal/revision of this collection.

*Title:* Leasing.

*OMB Control No.:* 1557-0206.

*Type of Review:* Regular.

*Affected Public:* Businesses or other for-profit.

*Description:* Under 12 CFR 23.4(c), national banks must liquidate or re-lease property that is no longer subject to lease (off-lease property) as soon as practicable and not later than five years from the date the national bank acquires the legal right to possess or control the property. If a national bank wishes to extend the five-year holding period for up to an additional five years, it must obtain OCC approval. Section 23.4(c) requires a national bank seeking an extension to provide a clearly convincing demonstration as to why any additional holding period is necessary. In addition, a national bank must value off-lease property at the lower of current fair market value or book value promptly after the property becomes off-lease property.

Under 12 CFR 23.6, leases are subject to the lending limits prescribed by 12 U.S.C. 84, as implemented by 12 CFR part 32, or, if the lessee is an affiliate of the national bank, to the restrictions on transactions with affiliates prescribed by 12 U.S.C. 371c and 371c-1 and Regulation W, 12 CFR part 223. The OCC may also determine that other limits or restrictions apply.

Twelve U.S.C. 24 contains two separate provisions authorizing a national bank to acquire personal property for purposes of lease financing.

Twelve U.S.C. 24(Seventh) authorizes leases of personal property (Section 24(Seventh) Leases) if the lease is a conforming lease as defined in 12 CFR 23.2(d)(2) and represents a noncancelable obligation of the lessee (*i.e.*, the lease serves as the functional equivalent of a loan). See 12 CFR 23.20. A national bank also may acquire personal property for purposes of lease financing under the authority of 12 U.S.C. 24(Tenth) (CEBA Leases) if the related lease is a conforming lease as defined in 12 CFR 23.2(d)(1) and the aggregate book value of the property does not exceed 10 percent of the national bank's consolidated assets. See 12 CFR 23.10. Section 23.5 requires that if a national bank enters into both types of leases, its records must distinguish between the two types of leases. This information is required to establish that the national bank is complying with the limitations and requirements applicable to the two separate types of leases.

*Estimated Burden per Respondent:* 10 hours.

*Estimated Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 30.

*Estimated Total Annual Burden:* 300 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

**Patrick T. Tierney,**

*Assistant Director, Office of the Comptroller of the Currency.*

[FR Doc. 2025-05497 Filed 3-28-25; 8:45 am]

**BILLING CODE 4810-33-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****Agency Collection Activities; Requesting Comments on Relief for Service in Combat Zone and for Presidentially Declared Disaster**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on the continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the postponement of certain acts by reason of service in a combat zone or relating to postponement of certain tax-related deadlines by reason of a Presidentially declared disaster.

**DATES:** Written comments should be received on or before May 30, 2025 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Andrea Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to [pra.comments@irs.gov](mailto:pra.comments@irs.gov). Please include the OMB Control Number 1545-2286 or TD 8911, TD 9443, and Form 15109 in the Subject line.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the forms should be directed to LaNita Van Dyke, at (202) 317-6009 or Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at [LanitaVanDyke@irs.gov](mailto:LanitaVanDyke@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Relief for Service in Combat Zone and for Presidentially Declared Disaster.

*OMB Number:* 1545-2286.

*Regulation Project Number:* TD 8911, TD 9443, Form 15109.

*Abstract:* This collection covers the rules under section 7508 of the Internal Revenue Code (IRC), relating to postponement of certain acts by reason of service in a combat zone, and IRC section 7508A, relating to postponement of certain tax-related deadlines by reason of a Presidentially declared disaster. Form 15109 helps the U.S. Armed Forces members and support personnel to request tax deferment benefits while working in a qualified

combat zone, contingency operation, or hazardous duty station.

*Current Actions:* There are no changes in the paperwork burden previously approved by OMB.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 20,000.

*Estimated Time per Respondent:* 20 minutes.

*Estimated Total Annual Burden Hours:* 6,600.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Desired Focus of Comments:* The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: March 24, 2025.

**Molly J. Stasko,**

*Senior Tax Analyst.*

[FR Doc. 2025-05436 Filed 3-28-25; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****Agency Collection Activities; Comment Request for Form 928**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on the continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning information collection requirements related to the Form 928.

**DATES:** Written comments should be received on or before May 30, 2025 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Andrea Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224 or by email to [pra.comments@irs.gov](mailto:pra.comments@irs.gov). Please include the OMB Control Number 1545-0725 or Form 928, in the Subject line.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of the forms should be directed to LaNita Van Dyke, at (202) 317-6009 or Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at [LanitaVanDyke@irs.gov](mailto:LanitaVanDyke@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Taxable Fuel; registration.

*OMB Number:* 1545-0725.

*Form Number:* 928.

*Abstract:* Under IRC section 4101(b) Secretary may require, as a condition of registration under 4101(a), that the applicant give a bond in an amount that the Secretary determines is appropriate. Applicants that do not meet all the applicable registration tests for Form 637 registration must secure a federal bond, from an acceptable surety or reinsurer listed in Circular 570, prior to receiving a Form 637 registration under section 4101. Form 928 is used for this purpose.

*Current Actions:* There is no change to the burden previously approved.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 500.

*Estimated Time per Respondent:* 2.56 hours.

*Estimated Total Annual Burden Hours:* 1,280.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Desired Focus of Comments:* The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: March 25, 2025.

**Molly J. Stasko,**

*Senior Tax Analyst.*

[FR Doc. 2025-05465 Filed 3-28-25; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Agency Collection Activities; Comment Request for Online Letter Applications for Pre-Approved Plans

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 4461, Application for Approval of Standardized or Nonstandardized Pre-Approved Defined Contribution Plans; Form 4461-A, Application for Approval of Master or Prototype or Volume Submitter Defined Benefit Plan; and, Form 4461-B, Application for Approval of Standardized or Nonstandardized Pre-Approval Plans, and Form 4461-C, Application for Approval of Standardized or Nonstandardized 403(b) Pre-Approved Plans.

**DATES:** Written comments should be received on or before May 30, 2025 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Andrea Garcia, Internal Revenue Service, room 6526, 1111 Constitution Avenue NW, Washington, DC 20224 or by email to [pra.comments@irs.gov](mailto:pra.comments@irs.gov). Please include the OMB Control Number 1545-0169 or Forms 4461, 4461-A, 4461-B, and 4461-C in the Subject line.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the forms should be directed to LaNita Van Dyke, at (202) 317-6009 or Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at [LanitaVanDyke@irs.gov](mailto:LanitaVanDyke@irs.gov).

**SUPPLEMENTARY INFORMATION:** *Titles:* Opinion Letter Applications for Pre-Approved Plans (Forms 4461, 4461-A, 4461-B, and Form 4461-C).

*OMB Number:* 1545-0169.

*Form Number:* 4461, 4461-A, 4461-B, and 4461-C.

*Abstract:* The IRS uses these forms to determine from the information submitted whether the provider or mass submitter of a pre-approved defined contribution plan qualifies under section 401(a) of the Internal Revenue Code for plan approval. The application

is also used to apply for the approval of their employee benefit plans of standardized or nonstandardized pre-approval plans under section 403(b) and their related trust as exempt from federal income tax under Code section 501(a).

*Current Actions:* There are no changes being made to the forms and burden estimates at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 3,380.

*Estimated Time per Respondent:* 10 hours, 58 minutes.

*Estimated Total Annual Burden Hours:* 37,092 hours.

The following paragraph applies to all the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 25, 2025.

**Molly J. Stasko,**

*Senior Tax Analyst.*

[FR Doc. 2025-05467 Filed 3-28-25; 8:45 am]

**BILLING CODE 4830-01-P**



# FEDERAL REGISTER

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Vol. 90

Monday,

No. 60

March 31, 2025

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Part II

The President

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Notice of March 27, 2025—Continuation of the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities



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**Presidential Documents**

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Title 3—

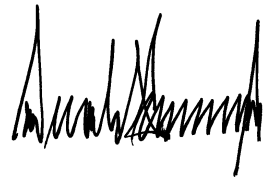
Notice of March 27, 2025

**The President****Continuation of the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities**

On April 1, 2015, by Executive Order 13694, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the increasing prevalence and severity of malicious cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States. The President issued Executive Order 13757 of December 28, 2016, Executive Order 13984 of January 19, 2021, Executive Order 14110 of October 30, 2023 (in relevant part), and Executive Order 14144 of January 16, 2025 (in relevant part), to take additional steps to address the national emergency declared in Executive Order 13694. Executive Order 14148 of January 20, 2025 (in relevant part), revoked Executive Order 14110.

These significant malicious cyber-enabled activities continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared in Executive Order 13694, and with respect to which additional steps were taken in Executive Order 13757, Executive Order 13984, Executive Order 14110 (revoked by Executive Order 14148), and Executive Order 14144, must continue in effect beyond April 1, 2025. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13694.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,  
March 27, 2025.

# Reader Aids

Federal Register

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