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Rules and Regulations

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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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1145

[Doc. No. AMS–DA–25–0001]

RIN 0581–AE37

Reauthorization of Dairy Forward Pricing Program

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule reauthorizes the Dairy Forward Pricing Program (DFPP) in accordance with the American Relief Act, 2025 (Relief Act). Establishing new contracts under the DFPP was prohibited between the expiration of the program on September 30, 2024, and publication of this final rule. The Relief Act reauthorizes the DFPP program to allow handlers to enter into new contracts until September 30, 2025. Any forward contract entered prior to the September 30, 2025, deadline is subject to a September 30, 2028, expiration date.

DATES: April 24, 2025

FOR FURTHER INFORMATION CONTACT: Erin Taylor, USDA/AMS/Dairy Programs, Order Formulation and Enforcement Division, STOP 0231–Room 2530, 1400 Independence Avenue SW, Washington, DC 20250–0231, (202) 720–4392; Telephone: (202) 720–7183; Email: Erin.Taylor@usda.gov.

SUPPLEMENTARY INFORMATION: The Food, Conservation, and Energy Act of 2008 (2008 Farm Bill)¹ initially established the DFPP.² The DFPP allows milk handlers, under the Agricultural Marketing Agreement Act of 1937, (AMAA)³ to pay producers or cooperative associations of producers a negotiated price for producer milk,

rather than the Federal order minimum blend price for non-fluid classes of milk (Classes II, III, and IV under the FMMO system). The DFPP does not allow for forward contracting Class I, or fluid, milk.

Following the initial expiration of the DFPP which prevented the establishment of new contracts after September 30, 2012, the “American Taxpayer Relief Act of 2012,” (ATRA)⁴ revised the program to allow handlers to enter into new contracts until September 30, 2013. The “Agricultural Act of 2014” (2014 Farm Bill)⁵ then extended the program to allow new contracts until September 30, 2018. The Agriculture Improvement Act of 2018 (2018 Farm Bill)⁶ reauthorized the program to allow handlers to enter into new contracts until September 30, 2023. The Further Continuing Appropriations and Other Extensions Act of 2024 reauthorized the program to allow handlers to enter into new contracts until September 30, 2024.⁷ The Relief Act⁸ extends the program to allow handlers to enter into new contracts until September 30, 2025, subject to a September 30, 2028, expiration date.

Participation in the DFPP is voluntary for dairy farmers, dairy farmer cooperatives, and handlers. Handlers may not require producer participation in a forward pricing program as a condition for accepting milk. USDA, including Market Administrator personnel, does not determine the terms of forward contracts or enforce negotiated prices. This regulation also does not affect contractual arrangements between a cooperative association and its members.

Under the DFPP, regulated handlers must still account to the FMMO pool for the classified use value of their milk. Regulated handlers claiming exemption from the Federal order minimum pricing provisions must submit to the Market Administrator a copy of each forward contract. The contract must contain a disclosure statement—either as part of the contract itself or as a supplement—to ensure producers understand the nature of the program as well as the basis on which they will be paid for their milk. Contracts that do not

contain a disclosure statement are deemed invalid and returned to the handler. Signed contracts must be received by the Market Administrator before the first of a month in order to be effective for the month. For example, contracts must be received by the Market Administrator by December 31, 2024, to be effective for the month of January 2025.

Handlers with forward contracts remain subject to all other milk marketing order provisions. Payments specified under a forward contract must be made on or before the same date as the federal order payments they replace. Required payment dates are specified in 7 CFR 1145.2(e).

This final rule reauthorizes producers and cooperative associations of producers to enter into forward price contracts under the DFPP through September 30, 2025. All terms of the new forward contracts must expire prior to September 30, 2028. All other provisions and requirements of the program as provided for in the final rule⁹ published October 31, 2008, are still in effect.

Executive Orders 12866 and 13563

USDA is issuing this rule in conformance with Executive Order (E.O.) 12866, Regulatory Planning and Review, as amended by E.O. 12415 of February 18, 2025, Ensuring Accountability for All Agencies, and E.O. 13563, Improving Regulation and Regulatory Review. Executive Order 12866, as amended by E.O. 12415, and E.O. 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866, as amended by E.O. 12415, and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

¹ Public Law 110–234.

² 73 FR 64868.

³ 7 U.S.C. 601–614.

⁴ Public Law 112–240.

⁵ Public Law 113–79.

⁶ Public Law 115–334.

⁷ Public Law 118–22.

⁸ Public Law 118–158.

⁹ 73 FR 64868.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This does not have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

Executive Order 13175

This proposed rule has been reviewed under Executive Order 13175— Consultation and Coordination with Indian Tribal Governments, which requires agencies to consider whether their rulemaking actions would have Tribal implications. AMS has determined that this proposed rule is

unlikely to have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified this proposed rule will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be unduly or disproportionately burdened. Marketing orders and amendments thereto are unique in that they are normally brought about through group action of essentially small entities for their own benefit. A small dairy farm as defined by the Small Business Administration (SBA) (13 CFR 121.201) (NAICS Code 112120) is one that has an annual gross revenue of \$3.75 million or less, and a small dairy products manufacturer is one that has no more than the number of employees listed in the chart below:

NAICS code	NAICS U.S. industry title	Size standards in number of employees
311511	Fluid Milk Manufacturing	1,150
311512	Creamery Butter Manufacturing	750
311513	Cheese Manufacturing	1,250
311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing	1,000

To determine which dairy farms are “small businesses,” the \$3.75 million per year income limit was used to establish an annual milk marketing threshold of 18.3 million pounds. Although this threshold does not factor in additional monies that may be received by dairy producers, it should be an accurate standard for most “small” dairy farmers. Based on the U.S. 2023 average yield per cow and 2023 NASS average All-Milk price, a dairy farm with approximately 780 cows or fewer would meet the definition of small business. In 2022, the most recent year with statistics available, there were 24,470 dairy farms with milk sales, of which approximately 19,576 had milk regulated on an FMMO for at least one month of the year. Based on the 2022 Census of Agriculture, Milk Cow Herd Size by Inventory and Sales, an estimated 89 percent of operations with milk sales are likely to be small businesses.

To determine a handler’s size, if the plant is part of a larger company operating multiple plants that collectively exceed the 750-employee limit for creamery butter manufacturing; the 1,000-employee limit for dry, condensed, and evaporated dairy product manufacturing; the 1,150-employee limit for fluid milk manufacturing; or the 1,250-employee limit for cheese manufacturing; the plant was considered a large business even if the local plant does not exceed the 750, 1,000, 1,150, or 1,250-employee limit, respectively.

In 2022, 322 dairy plants were regulated for at least one month of the year in a FMMO. According to the 2022 Census of Agriculture, approximately 86 percent of fluid milk manufacturing plants, approximately 96 percent of cheese plants, approximately 82 percent of dry products plants, and approximately 78 percent of butter plants met the SBA definition of small businesses.

Producers and handlers use the DFPP as a risk management tool. Under the DFPP, producers and handlers can “lock-in” prices, thereby minimizing risks associated with price volatility that are particularly difficult for small businesses to mitigate.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Section 1601(c)(2)(B) of the 2014 Farm Bill provides that the administration of the DFPP shall be made without regard to the Paperwork Reduction Act (PRA), 44 U.S.C. Chapter 35. Section 1701 of the 2018 Farm Bill extended that Congressional direction through September 30, 2023. Congress again extended the direction through September 30, 2024, by the Further Continuing Appropriations and Other Extensions Act, 2024, and that direction is further extended to September 30, 2025, by the current reauthorization of

the DFPP through the Relief Act.¹⁰ Thus, any information collection conducted for the DFPP is not subject to the PRA.

Final Action

In accordance with the Relief Act, this final rule extends the DFPP to all Federal milk marketing orders. New contracts under the program may be entered into until September 30, 2025. Any forward contract entered into up to and until the September 30, 2025, deadline is subject to a September 30, 2028, expiration date.

Section 1601(c)(2)(A) of the 2014 Farm Bill provides that the promulgation of the regulations to implement the reauthorization of the DFPP shall be made without regard to the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. 553. Section 1701 of the 2018 Farm Bill extended the Congressional direction, and Section 4101 of the Relief Act extends that direction to the current reauthorization of the DFPP. It is unnecessary and contrary to the public interest to delay the effective date of the final rule. Dairy stakeholders have been unable to enter in contracts since the DFPP expired on September 30, 2024. Producers and handlers have thus been unable to rely on these forward contracts as a risk management tool. Stakeholders have inquired about when the program will be reimplemented and have signaled they intend to

¹⁰Public Law 118–158.

immediately enter into new contracts. Further, all contracts are voluntary. AMS, therefore, is issuing this final rule one day after publication, without prior notice or public comment.

List of Subjects in 7 CFR Part 1145

Forward pricing contracts, Milk marketing orders, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Agricultural Marketing Service amends 7 CFR part 1145 as follows:

PART 1145—DAIRY FORWARD PRICING PROGRAM

- 1. The authority citation for 7 CFR part 1145 continues to read as follows:

Authority: 7 U.S.C. 8772.

- 2. Amend § 1145.2 by revising paragraph (b) to read as follows:

§ 1145.2 Program.

(b) No forward price contract may be entered into under the program after September 30, 2025, and no forward contract entered into under the program may extend beyond September 30, 2028.

Erin Morris,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2025–06939 Filed 4–22–25; 8:45 am]

BILLING CODE P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701, 741, and 745

RINs 3133–AF42 and 3133–AF53

Simplification of Share Insurance and Succession Planning Final Rules; Solicitation of Comments

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notification of a request for comments.

SUMMARY: Consistent with the January 20, 2025, White House memorandum to the Heads of Executive Departments and Agencies, captioned “Regulatory Freeze Pending Review,” the NCUA Board (Board) is soliciting public comment for a period of 60 days on two of its recently published final rules that have not fully taken effect. Specifically, through publication of this notice, the Board invites comment on its final rule captioned “Simplification of Share Insurance,” published on September 30, 2024, which takes full effect on

December 1, 2026; and the final rule captioned “Succession Planning,” published on December 26, 2024, which takes full effect on January 1, 2026. The public comment period will allow interested parties to provide comments about issues of fact, law, and policy raised by the two final rules.

DATES: Comments must be received on or before June 23, 2025.

FOR FURTHER INFORMATION CONTACT:

Ariel Pereira, Senior Attorney, Office of General Counsel, at (703) 548–2778 or at 1775 Duke Street, Alexandria, VA 22314.

ADDRESSES: You may submit written comments on the final rules, in accordance with the following instructions. Written comments on the final rule captioned “Simplification of Share Insurance” should be identified by RIN 3133–AF53. Written comments on the final rule captioned “Succession Planning” should be identified by RIN 3133–AF42. You may submit written comments by any of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. The docket number for the “Simplification of Share Insurance” rule is NCUA–2023–0082. Follow the instructions for submitting comments. The docket number for the “Succession Planning” rule is NCUA–2024–0037.

- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

- *Hand Delivery/Courier:* Same as mailing address.

- *Public inspection:* You may view all public comments on the Federal eRulemaking Portal at <https://www.regulations.gov>, as submitted, except for those we cannot post for technical reasons. The NCUA will not edit or remove any identifying or contact information from the public comments submitted. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518–6540 or emailing OGCMail@ncua.gov.

SUPPLEMENTARY INFORMATION: On January 20, 2025, The White House issued a memorandum to the heads of executive departments and agencies, captioned “Regulatory Freeze Pending Review.” The memorandum was published in the **Federal Register** on January 28, 2025.¹ Among other instructions, the memorandum directs agencies to “consider opening a

comment period to allow interested parties to provide comments about issues of fact, law, and policy raised by the rules” that have not yet taken effect and to “consider reevaluating pending petitions involving such rules.”²

Consistent with the January 20, 2025, White House memorandum, the Board invites public comment for a period of 60 days on its Simplification of Share Insurance³ and Succession Planning final rules.⁴

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1765, 1761b, 1766, 1767, 1781, 1782, 1784, 1785, 1786, 1787, 1788, 1789; title V, Pub. L. 109–351; 120 Stat. 1966.

By the National Credit Union Administration Board, this 17th day of April 2025.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2025–06966 Filed 4–22–25; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31600; Amdt. No. 4161]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPS) and associated Takeoff Minimums and Obstacle Departure procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 23, 2025. The compliance date for each SIAP, associated Takeoff Minimums,

² *Id.*

³ 89 FR 79397 (Sept. 30, 2024).

⁴ 89 FR 104865 (Dec. 26, 2024).

¹ 90 FR 8249 (Jan. 28, 2025).

and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 23, 2025.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30. 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590-0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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.

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at nfdc.faa.gov to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT:

Romana B. Wolf, Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg. 26, Room 217, Oklahoma City, OK 73099. Telephone (405) 954-1139.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPs, Takeoff Minimums and/or ODPs. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms are 8260-3, 8260-4, 8260-5, 8260-15A,

8260-15B, when required by an entry on 8260-15A, and 8260-15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Air Missions (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and

ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on April 11, 2025.

Romana B. Wolf,

Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 15 May 2025

Tampa, FL, TPA, RNAV (GPS) Y RWY 1R, Amdt 3C
Indianapolis, IN, UMP, RNAV (GPS) RWY 15, Amdt 3
Indianapolis, IN, UMP, RNAV (GPS) RWY 33, Amdt 2

Montgomery, NY, MGJ, RNAV (GPS) RWY 4, Orig-A
 Montgomery, NY, MGJ, RNAV (GPS) RWY 22, Orig-B
 Montgomery, NY, MGJ, RNAV (GPS) RWY 26, Amdt 1D
 Waukesha, WI, UES, ILS OR LOC RWY 10, Amdt 3A
 Waukesha, WI, UES, RNAV (GPS) RWY 28, Amdt 1A

Effective 12 June 2025

Cullman, AL, CMD, RNAV (GPS) RWY 2, Amdt 2
 Cullman, AL, CMD, RNAV (GPS) RWY 20, Amdt 2
 Santa Ana, CA, SNA, ILS OR LOC RWY 20R, ILS RWY 20R (SA CAT I), Amdt 14C
 Santa Ana, CA, SNA, LOC BC RWY 2L, Amdt 14A
 Eagle, CO, EGE, Takeoff Minimums and Obstacle DP, Amdt 9
 Millen, GA, 2J5, Takeoff Minimums and Obstacle DP, Amdt 1A
 Reidsville, GA, RVJ, RNAV (GPS) RWY 11, Amdt 2
 Reidsville, GA, RVJ, RNAV (GPS) RWY 29, Orig
 Dubuque, IA, DBQ, Takeoff Minimums and Obstacle DP, Orig-B
 Lacon, IL, C75, VOR RWY 13, Amdt 2D, CANCELED
 Macomb, IL, MQB, Takeoff Minimums and Obstacle DP, Amdt 1A
 Peoria, IL, PIA, ILS OR LOC RWY 13, Amdt 7
 Salem, IL, SLO, Takeoff Minimums and Obstacle DP, Amdt 7A
 Sterling/Rockfalls, IL, SQL, LOC BC RWY 7, Amdt 7A
 Winfield/Arkansas City, KS, WLD, Takeoff Minimums and Obstacle DP, Orig-A
 Covington, KY, CVG, ILS OR LOC RWY 9, Amdt 19
 Covington, KY, CVG, ILS OR LOC RWY 27, ILS RWY 27 (SA CAT I), ILS RWY 27 (SA CAT II), Amdt 20
 Covington, KY, CVG, ILS OR LOC RWY 36C, ILS RWY 36C (CAT II), ILS RWY 36C (CAT III), Amdt 42
 Covington, KY, CVG, ILS OR LOC RWY 36L, ILS RWY 36L (CAT II), Amdt 2
 Covington, KY, CVG, ILS OR LOC RWY 36R, ILS RWY 36R (CAT II), ILS RWY 36R (CAT III), Amdt 9
 Covington, KY, CVG, RNAV (GPS) Y RWY 9, Amdt 2
 Covington, KY, CVG, RNAV (GPS) Y RWY 27, Amdt 1
 Covington, KY, CVG, RNAV (GPS) Y RWY 36C, Amdt 2
 Covington, KY, CVG, RNAV (GPS) Y RWY 36L, Amdt 2
 Covington, KY, CVG, RNAV (GPS) Y RWY 36R, Amdt 2
 Covington, KY, CVG, RNAV (RNP) Z RWY 36C, Amdt 1
 Covington, KY, CVG, RNAV (RNP) Z RWY 36L, Amdt 1
 Covington, KY, CVG, RNAV (RNP) Z RWY 36R, Amdt 1
 Moorhead, MN, JKJ, Takeoff Minimums and Obstacle DP, Orig-A
 Warrensburg, MO, RCM, VOR-A, Amdt 3B, CANCELED
 Oakes, ND, 2D5, Takeoff Minimums and Obstacle DP, Amdt 1B

Fremont, OH, S24, RNAV (GPS) RWY 6, Amdt 1C
 Fremont, OH, S24, RNAV (GPS) RWY 24, Amdt 1B
 Idabel, OK, 4O4, RNAV (GPS) RWY 2, Amdt 2
 Idabel, OK, 4O4, RNAV (GPS) RWY 20, Amdt 2
 Mangum, OK, 2K4, Takeoff Minimums and Obstacle DP, Orig-A
 Watonga, OK, JWG, RNAV (GPS) RWY 17, Amdt 1
 Watonga, OK, JWG, RNAV (GPS) RWY 35, Orig
 Clearfield, PA, FIG, VOR RWY 30, Amdt 6C
 Florence, SC, FLO, ILS OR LOC RWY 9, Amdt 14
 Gettysburg, SD, 0D8, Takeoff Minimums and Obstacle DP, Amdt 1A
 Camden, TN, 0M4, Takeoff Minimums and Obstacle DP, Amdt 1A
 Lawrenceburg, TN, 2M2, Takeoff Minimums and Obstacle DP, Orig-A
 Brownfield, TX, BFE, Takeoff Minimums and Obstacle DP, Orig-A
 Cleveland, TX, 6R3, RNAV (GPS) RWY 16, Amdt 1
 Dallas, TX, RBD, RNAV (GPS) Y RWY 13, Amdt 1
 Dallas, TX, RBD, RNAV (GPS) Z RWY 13, Orig
 Fort Worth, TX, 50F, Takeoff Minimums and Obstacle DP, Amdt 3
 Fort Worth, TX, FTW, Takeoff Minimums and Obstacle DP, Amdt 9
 Gladewater, TX, 07F, Takeoff Minimums and Obstacle DP, Amdt 1A
 Lancaster, TX, LNC, Takeoff Minimums and Obstacle DP, Amdt 4
 Lubbock, TX, LBB, RNAV (RNP) Z RWY 17R, Orig-D
 Mineral Wells, TX, MWL, RNAV (GPS) RWY 13, Orig
 Paris, TX, PRX, RNAV (GPS) RWY 17, Amdt 1
 Paris, TX, PRX, RNAV (GPS) RWY 35, Amdt 1
 Necedah, WI, DAF, Takeoff Minimums and Obstacle DP, Orig-A

[FR Doc. 2025-06880 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31601; Amdt. No. 4162]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for

operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 23, 2025. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 23, 2025.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590-0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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.

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at nfdc.faa.gov to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT:

Romana B. Wolf, Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg. 26,

Room 217, Oklahoma City, OK 73099.
Telephone (405) 954-1139.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Air Missions (P-NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal.

For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on April 11, 2025.

Romana B. Wolf,

Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

Effective Upon Publication

AIRAC date	State	City	Airport	FDC No.	FDC date	Procedure name
15-May-25 ..	OK	Oklahoma City	Sundance	5/3251	3/17/2025	RNAV (GPS) RWY 18, Amdt 1E.
15-May-25 ..	OK	Oklahoma City	Sundance	5/3254	3/17/2025	RNAV (GPS) RWY 36, Amdt 1D.
15-May-25 ..	OK	Oklahoma City	Sundance	5/3261	3/17/2025	VOR RWY 18, Amdt 1H.

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Parts 100 and 165****[Docket Number USCG–2024–0879]****RIN 1625–AA08 and 1625–AA00****Special Local Regulations & Safety Zones; USCG Sector Eastern Great Lakes****AGENCY:** Coast Guard, DHS.**ACTION:** Final rule.

SUMMARY: The Coast Guard is amending existing regulations relating to special local regulations and safety zones that occur annually in Captain of the Port Zone Eastern Great Lakes. This action is necessary to provide for the safety of life on these navigable waters.

DATES: This rule is effective May 23, 2025.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0879 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about the rule, call or email Lieutenant William Kelley, Waterways Management at Sector Eastern Great Lakes, U.S. Coast Guard; telephone 716–931–4680, email D09-SMB-SECBuffalo-WWM@uscg.mil.

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

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

II. Background Information and Regulatory History

The Coast Guard lists annual marine events in the Code of Federal Regulations (CFR). For Coast Guard Sector Eastern Great Lakes, special local regulations are listed in 33 CFR 100.901 and safety zones are listed in 33 CFR 165.939. Over the 2023 calendar year, the Coast Guard was notified of multiple marine events that are conducted on an annual basis. The Coast Guard previously established temporary regulations implementing safety zones or special local regulations for each of the respective events. The Captain of the Port (COTP) Sector Eastern Great Lakes determined that potential hazards

associated with these events would be a safety concern for anyone within boundaries defined in the proposed special local regulations and safety zones during the period of these respective events. Moreover, the COTP Sector Eastern Great Lakes also sought to rename several of the enumerated events in § 165.939 to accurately reflect the current event names. Additionally, the COTP Sector Eastern Great Lakes also determined that some of the events currently listed in the existing regulations are no longer required.

The purpose of the rule is to ensure the safety of vessels and the navigable waters before, during, and after each respective scheduled event. The Coast Guard published a NPRM titled “Special Local Regulations & Safety Zones; USCG Sector Eastern Great Lakes.”¹ In the NPRM, we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this rule. During the comment period that ended February 20, 2025, we received 1 comment.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70034 and 70041. The COTP Sector Eastern Great Lakes has determined that restructure and amendment to the tables in §§ 165.939 and 100.901 are necessary for the expeditious and efficient implementation of annual safety zones and special local regulations for local marine events. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone and special local regulations before, during, and after the scheduled event.

IV. Discussion of Comments

As noted above, we received 1 comment on our NPRM that published on January 21, 2025. The commenter expressed support for the proposed changes. There are no changes in the regulatory text of this rule derived from comments or responses to the NPRM. There are adjustments to some entries on the tables in the regulatory text, adjusting for a more accurate depiction of each respective event as they are currently conducted.

V. Discussion of the Rule

With this final rule, the Coast Guard is making the following changes from the NPRM.

We split the proposed table 1 to § 100.901 and added table 2 to § 100.901. We made this non-substantive change to separate the areas of responsibility for the Eastern Great

Lakes and Northern Great Lakes, thereby, increasing efficiency and ease of reference for the United States Coast Guard and the general public.

We made the following changes to Table 1 to § 165.939:

1. In paragraph (g), event No. (5), the title for the event is changed from proposed, “Mentor Harbor Yacht Club Fireworks” to “Mentor Harbor Yacht Club.” In addition, the size of the existing safety zone has been reduced from 700 feet to 500 feet. After publication of the NPRM, the Coast Guard determined that a smaller safety zone was appropriate to provide for public safety and facility commerce and navigation.

2. In paragraph (h), event No. (2) for “D-Day Conneaut,” the size of the existing safety zone has been reduced within its current footprint. After publication of the NPRM, the Coast Guard determined that a smaller safety zone was sufficient to provide for the safety of the event participants and the general public.

3. In paragraphs (i), events No. (1) “Madison Light Up the Park” and No. (3) “Head of the Cuyahoga,” in the dates column, the words, “on or around” have been added to allow for increased flexibility for external factors, such as weather delays and calendar conflicts with other local events.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, duration, and time-of-day of each respective event. Each event establishes temporary safety zones or special local regulations lasting a short period of time over a small geographic area.

¹ 90 FR 6903.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this

action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves two separate table revisions that contain special regulated areas and safety zones lasting various times which prohibit entry within defined areas. All additions, removals, and existing items in the aforementioned tables have been previously categorically excluded. Normally such actions are categorically excluded from further review under paragraph L60(a) and L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects*33 CFR Part 100*

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

33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is amending 33 CFR parts 100 and 165 as follows:

PART 100 SAFETY OF LIFE ON NAVIGABLE WATERS

- 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

Subpart F—Ninth Coast Guard District

- 2. Amend § 100.901 by revising table 1 to § 100.901 and adding table 2 to § 100.901 to read as follows:

§ 100.901 Great Lakes annual marine events.

* * * * *

TABLE 1 TO § 100.901

Event	Location ¹	Date ²
Sector Eastern Great Lakes, NY		
(1) Flagship International Kilo Speed Challenge. <i>Sponsor:</i> Presque Isle Powerboat Racing Association.	That portion of Lake Erie, Presque Isle Bay, south of a line drawn from 42°08'54" N 080°05'42" W; to 42°07' N 080°21' W will be a regulated area. That portion of Lake Erie, Presque Isle Bay, north of a line drawn from 42°08'54" N 080°05'42" W; to 42°07' N 080°21' W will be a "caution area". All vessels transiting the caution area will be operated at bare steerageway, keeping the vessel's wake at a minimum, and will exercise a high degree of caution in the area. The bay entrance will not be affected.	On or around the 3rd or 4th weekend of June.
(2) Christmas in July <i>Sponsor:</i> Henderson Business and Community Council.	The special local regulation area will cover ALL WATERS WITHIN A MOVING ZONE THAT ENCOMPASSES A 50 yard BUFFER ZONE ahead of the lead vessel, 50 yards astern of the last participating vessel, and 50 yards on each side of the parade vessels as it travels the parade route in the Henderson Bay, starting at point 43°51'44" N 76°12'07.3" W and running north adjacent to the shore to point 43°52'12.2" N 76°11'32.7" W, continuing northwest to point 43°53'40.9" N 76°12'40.6" W and running south adjacent to the shore to point 43°51'47.2" N 76°14'08.3" W, ending at the starting position at point 43°51'44.0" N 76°12'07.3" W. Latitude Longitude 43°51'44" N 076°12'07.3" W, thence to 43°52'12.2" N 076°11'32.7" W, thence to 43°53'40.9" N 076°14'08.3" W, thence along the shoreline to end at the starting position.	On or around the final week-end of July.
(3) Henderson Harbor Sprint Triathlon <i>Sponsor:</i> Henderson Business and Community Council.	The special local regulation would cover navigable waters within Henderson Bay starting at point 43°51'02.5" N 076°12'21.9" W and running northeast adjacent to the shore to point 43°51'05.9" N 076°12'12.2" W, continuing west to point 43°51'06.2" N 076°12'21.2" W, ending at starting position at point 43°51'02.5" N 076°12'21.9" W.	On or around the 2nd week-end of July.
(4) Women Swimmin' for Hospicare <i>Sponsor:</i> Hospicare Palliative Care Services.	The special local regulation would cover the navigable waters within Cayuga Lake described below. Regulated area: Latitude Longitude 42°30'07.01" N 076°30'57.04" W Along shoreline to position: 42°30'30.03" N 076°31'09.34" W thence to 42°29'50.20" N 076°32'24.99" W Along shoreline to position 42°29'34.71" N 076°32'17.11" W thence To starting position.	On or around the 2nd Saturday of August.

¹ All coordinates listed in this table 1 reference North American Datum of 1983 (NAD 1983).

² As noted in the introductory text of this section, the enforcement dates and times for each of the listed events in this table are subject to change. In the event of a change, or for enforcement periods listed that do not allow a specific date or dates to be determined, the Captain of the Port will provide notice to the public by publishing a Notice of Enforcement in the **Federal Register**, as well as, issuing a Broadcast Notice to Mariner.

TABLE 2 TO § 100.901

Event	Location ¹	Date ²
Sector Northern Great Lakes, MI		
(1) Bridgefest Regatta <i>Sponsor:</i> Bridgefest Committee.	Keweenaw Waterway, from the Houghton Hancock Lift Bridge to 1000 yards west of the bridge, near Houghton, MI.	2nd weekend of June.
(2) Duluth Fourth Fest Fireworks <i>Sponsor:</i> Office of the Mayor, Duluth, MN.	That portion of the Duluth Harbor Basin Northern Section bounded on the south by a line drawn on a bearing of 087° true from the Cargill Pier through Duluth Basin Lighted Buoy #5 (LLNR 15905) to the opposite shore on the north by the Duluth Aerial Bridge. That portion of Duluth Harbor Basin Northern Section within 600 yards of position 46°46'47" N 092°06'10" W.	4th of July weekend.
(3) July 4th Fireworks <i>Sponsor:</i> City of Sault Ste. Marie, MI.	That portion of the St. Mary's River, Sault Ste. Marie, MI within a 1000-foot radius of Brady Park, located on the south shore of the river. These waters are enclosed by the Locks to the west and to the east from a line drawn from the pier light of the east center pier to the U.S. Coast Guard Base to the southeast.	4th of July weekend.

¹ All coordinates listed in Table 2 to part 100.901 reference North American Datum of 1983 (NAD 1983).

² As noted in the introductory text of this section, the enforcement dates and times for each of the listed events in this table are subject to change. In the event of a change, or for enforcement periods listed that do not allow a specific date or dates to be determined, the Captain of the Port will provide notice to the public by publishing a Notice of Enforcement in the **Federal Register**, as well as, issuing a Broadcast Notice to Mariner.

PART 165—Regulated Navigation Areas and Limited Access Areas

■ 3. The authority citation for part 165 is revised to read as follows:

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

Subpart F—Specific Regulated Navigation Areas and Limited Access Areas

■ 4. Amend § 165.939:

■ a. In paragraph (a)(5) in the first sentence by removing the text, "Table 165.939" and adding in its place, the text "table 1 to § 165.939;" and

■ b. Revising table 165.939.

The revision reads as follows::

§ 165.939 Safety Zones; Annual Events in the Captain of the Port Eastern Great Lakes Zone.

* * * * *

TABLE 1 TO § 165.939

Event	Location ^{1 2}	Date ³
(a) January Safety Zones		
[Reserved].		
(b) February Safety Zones		
[Reserved].		
(c) March Safety Zones		
[Reserved].		
(d) April Safety Zones		
(1) United Refining Company of Pennsylvania Fireworks.	Erie, PA. All waters of the Presque Isle Bay, from surface to bottom, encompassed by a 583-foot radius around the Dobbins Landing Launch site at 42°08'19.87" N, 80°05'29.54" W in Erie, PA.	On or around the last week in April.
(e) May Safety Zones		
[Reserved].		
(f) June Safety Zones		
(1) Festival of the Fish	Vermilion, OH. All U.S. waters of Lake Erie within a 420-foot radius of the fireworks launch site located at position 41°25'45" N and 082°21'54" W, (NAD 83).	On or around the 3rd Saturday in June.
(2) City of Syracuse Fireworks Celebration ...	Syracuse, NY. All U.S. waters of Onondaga Lake within a 350-foot radius of land position 43°03'37.0" N, 076°09'59.0" W in Syracuse, NY.	On or around the last week-end of June.
(3) Rochester Harbor and Carousel Festival	Rochester, NY. All U.S. waters of Lake Ontario within a 1,120-foot radius of land position 43°15'40.2" N, 077°36'05.1" W in Rochester, NY.	On or around the 4th Monday of June.
(4) Seneca River Days	Baldwinsville, NY. All U.S. waters of the Seneca River within an 840-foot radius of land position 43°09'25.0" N, 076°20'21.0" W in Baldwinsville, NY.	On or around the 2nd week-end of June.
(5) Flagship Niagara Mariner's Ball Fireworks	Erie, PA. All waters of Presque Isle Bay, Erie, PA within a 350-foot radius from the Dobbins Landing launch site located at position 42°08'21.79" N, 080°05'15.89" W.	On or around the 1st week-end in June.
(6) Hope Chest Buffalo Niagara Dragon Boat Festival.	Buffalo, NY. All waters of the Buffalo River, Buffalo, NY starting at position 42°52'12.0" N, 078°52'17.0" W then Southeast to 42°52'03.0" N, 078°52'12.0" W then East to 42°52'03.0" N, 078°52'10.0" W then Northwest to 42°52'13.0" N, 078°52'16.0" W and then returning to the point of origin.	On or around the 3rd week-end in June.
(7) Blazing Paddles	Cleveland, OH. All waters of the Cuyahoga River in Cleveland OH, beginning at position 41°29'36" N, 081°42'13" W to the turnaround point at position 41°27'53" N, 081°40'38" W.	On or around the 3rd week-end of June.
(8) Boaters Against Cancer Fireworks	Kendall, NY. All waters of Lake Ontario contained within a 210-foot radius of the fireworks launch site located at 43°22'02.04" N, 078°01'48.06" W in Kendall, NY.	On or around the last week-end of June.
(9) NYSOPRHP Patriotic-Themed Fireworks Display.	Varying event names. Hamlin, NY. All waters of Lake Ontario, from surface to bottom, encompassed by a 1000-foot radius around 43°21'51.9" N, 077°56'59.6" W.	On or around the last week-end of June or first week-end in July.
(g) July Safety Zones		
(1) Cleveland Triathlon	Cleveland, OH. All U.S. waters of Lake Erie at North Coast Harbor, Cleveland, OH within 100 feet of a line starting at position 41°30'34.6" N and 081°41'51.3" W extending in a straight line to the East Basin Break wall at position 41°30'51.8" N and 081°42'08.5" W.	On or around the 4th or 5th Sunday in July.
(2) Riverfest Fireworks Display	Cleveland, OH. All U.S. waters of Lake Erie, Cleveland, OH within a 280-foot radius from position 41°30'34.23" N and 081°08'55.73" W.	On or around the 2nd or 3rd weekend in July.
(3) Eastlake Willoughby Grand Prix	Fairport, OH. All U.S. waters of Lake Erie, off of Headlands Beach State Park, Fairport, OH inside an area starting on shore at position 41°44'33" N, 081°19'14" W extending NW in a straight line to position 41°45'00" N, 081°19'35" W, then NE in a straight line to position 41°45'59" N, 081°17'30" W, and SE back to the shore at position 41°45'43" N, 081°17'08" W.	On or around the 3rd week-end in July.
(4) City of Cleveland July 4th Fireworks	Cleveland, OH. All U.S. waters of Lake Erie and Cleveland Harbor within a 1,000-foot radius of land position 41°30'10" N, 081°42'36" W (NAD 83) at Dock 20.	On or around the 4th of July.
(5) Mentor Harbor Yacht Club	Mentor, OH. All U.S. waters of Lake Erie and Mentor Harbor within a 500-foot radius of approximate land position 41°43'37.53" N, 081°21'10.24" W.	On or around the 4th of July.
(6) Whiskey Island Boat Club Parade of Lights.	Cleveland, OH. All U.S. waters within 25 feet of the vessels participating in the Cleveland Parade of Lights in the Cuyahoga River. The safety zone will move with participating vessels as they transit from the mouth of the Cuyahoga River in the vicinity of position 41°29'59" N, 081°43'31" W, to Merwin's Wharf in the vicinity of 41°29'23" N, 081°42'16" W, and returning to the mouth of the Old River at 41°29'55" N, 081°42'18" W.	On or around the 3rd or 4th weekend in July.
(7) Lorain Independence Day	Lorain, OH. All U.S. waters within a 700-foot radius of the fireworks launch site in Lake Wilhelm located at position 41°28'35.42" N and 082°10'51.28" W.	On or around the 4th of July.
(8) Conneaut Red, White, and Boom Over Lake Erie.	Conneaut, OH. All U.S. waters within a 570-foot radius of the fireworks launch site located in Conneaut Harbor, at position 41°58'00.43" N and 080°33'34.93" W.	On or around the 4th of July.
(9) Fairport Harbor Mardi Gras	Fairport, OH. All U.S. waters within a 275-foot radius of the fireworks launch site located in Fairport Harbor, at position 41°45'29.55" N and 081°16'19.97" W.	On or around the 4th of July.
(10) Sheffield Lake Community Days	Sheffield Lake, OH. All U.S. waters of Lake Erie and Sheffield Lake Boat ramp within a 350-foot radius of land position 41°29'27.65" N, 082°6'47.71" W.	On or around the 2nd week-end in July.
(11) Bay Village Independence Day Celebration.	Bay Village, OH. All U.S. waters within a 560-foot radius of the fireworks launch site located in Lake Erie, at position 41°29'23.9" N and 081°55'44.5" W.	On or around the 4th of July.
(12) Brogan Open Water Classic	Cleveland, OH. All U.S. waters of Lake Erie, south of a line drawn between positions 41°29'30" N, 081°44'21" W and 41°29'21" N, 081°45'04" W to the shore.	On or around the 2nd or 3rd weekend in July.

TABLE 1 TO § 165.939—Continued

Event	Location ^{1 2}	Date ³
(13) Boldt Castle 4th of July Fireworks	Heart Island, NY. All U.S. waters of the Saint Lawrence River within a 1,120-foot radius of land position 44°20'38.5" N, 075°55'19.1" W at Heart Island, NY.	On or around the 4th of July.
(14) Clayton Chamber of Commerce Fireworks.	Calumet Island, NY. All U.S. waters of the Saint Lawrence River within an 840-foot radius of land position 44°15'04.0" N, 076°05'40" W at Calumet Island, NY.	On or around the 4th of July.
(15) French Festival Fireworks	Cape Vincent, NY. All U.S. waters of the Saint Lawrence River within an 840-foot radius of land position 44°07'54.6.0" N, 076°20'01.3" W in Cape Vincent, NY.	On or around the 2nd week-end of July.
(16) Lyme Community Days	Chaumont, NY. All U.S. waters of Chaumont Bay within a 560-foot radius of land position 44°04'06.3" N, 076°08'56.8" W in Chaumont, NY.	On or around the 4th week-end of July.
(17) Village Fireworks	Sackets Harbor, NY. All U.S. waters of Black River Bay within an 840-foot radius of land position 43°56'51.9" N, 076°07'46.9" W in Sackets Harbor, NY.	On or around the 4th of July.
(18) Can-Am Festival	Sackets Harbor, NY. All U.S. waters of Black River Bay within a 1,120-foot radius of land position 43°57'15.9" N, 076°06'39.2" W in Sackets Harbor, NY.	On or around the 3rd week-end of July.
(19) Fort Brewerton Greater Oneida Lake Chamber of Commerce Fireworks.	Brewerton, NY. All U.S. waters of Lake Oneida within an 840-foot radius of the barge at position 43°14'16.4" N, 076°08'03.6" W in Brewerton, NY.	On or around the 4th of July.
(20) Celebrate Baldwinsville Fireworks	Baldwinsville, NY. All U.S. waters of the Seneca River within a 700-foot radius of land position 43°09'24.9" N, 076°20'18.9" W in Baldwinsville, NY.	On or around the 1st week-end of July.
(21) Island Festival Fireworks	Baldwinsville, NY. All U.S. waters of the Seneca River within a 1,120-foot radius of land position 43°09'22.0" N, 076°20'15.0" W in Baldwinsville, NY.	On or around the 1st week-end of July.
(22) Village of Sodus Point Fourth of July Fireworks.	Sodus Point, NY. All U.S. waters of Sodus Bay within a 1,120-foot radius of land position 43°16'33" N, 076°58'27" W in Sodus Point, NY.	On or around the 4th of July.
(23) Olcott Fireworks	Olcott, NY. All U.S. waters of Lake Ontario within a 1,120-foot radius of land position 43°20'23.6" N, 078°43'09.5" W in Olcott, NY.	On or around the 4th of July.
(24) North Tonawanda Fireworks	North Tonawanda, NY. All U.S. waters of the East Niagara River within a 1,400-foot radius of land position 43°00'56.3" N, 078°53'38.6" W in North Tonawanda, NY.	On or around the 4th of July.
(25) Tonawanda's Canal Fest Fireworks	Tonawanda, NY. All U.S. waters of the East Niagara River within a 210-foot radius of land position 43°01'17.8" N, 078°52'40.9" W in Tonawanda, NY.	On or around the 4th Sunday of July.
(26) Tom Graves Memorial Fireworks	Port Bay, NY. All waters of Port Bay, NY, within an 840-foot radius of the barge located in position 43°17'52.4" N, 076°49'55.7" W in Port Bay, NY.	On or around the 4th of July.
(27) Oswego Harborfest	Oswego, NY. All waters of Oswego Harbor, Oswego, NY contained within a 700-foot radius of position 43°28'06.9" N, 076°31'08.1" W along with a 350-foot radius of the breakwall between positions 43°27'53.0" N, 076°31'25.3" W then Northeast to 43°27'58.6" N, 076°31'12.1" W.	On or around the last week of July.
(28) City of Oswego, NY 4th of July Display	Oswego, NY. All waters of Lake Ontario, Oswego, NY within a 490-foot radius from the launch site located at position 43°27'55.8" N, 076°30'59.0" W.	On or around the 4th of July.
(29) Wine and Walleye Festival Fireworks	Ashtabula, OH. All waters of Lake Erie within a 280-foot radius of the fireworks launch site located at position 41°54'06" N, 080°47'49" W, Ashtabula, OH.	On or around the last week-end of July.
(30) City of Erie 4th of July Fireworks	Erie, PA. All waters of Lake Erie contained within a 280-foot radius of the Dobbins Landing launch site located at 42°08'17.13" N, 080°05'30.17" W in Erie, PA.	On or around the 4th of July.
(31) Buffalo Italian Fest	Buffalo, NY. All waters of Lake Erie contained within a 420-foot radius of 42°52'04.23" N, 078°53'00.67" W in Buffalo, NY.	On or around 2nd or 3rd weekend of July.
(32) Hamburg Beach Blast	Hamburg, NY. All waters of Lake Erie contained within a 280-foot radius of 42°45'59.21" N, 078°52'41.51" W in Hamburg, NY.	On or around the last week-end of July.
(33) Christmas in July Fireworks	Henderson Harbor, NY. All waters within a 420-foot radius of the barge at position 43°86'66" N, 076°20'97" W in Henderson Harbor, NY.	On or around the last week-end of July.
(34) SamSen Operation/Seneca Lake Resorts 4th of July.	Romulus, NY. All waters of the Seneca Lake, contained in a 420-foot radius of 42°43'39.28" N, 076°54'59.47" W in Romulus, NY.	On or around the 4th of July.
(35) Town of Newfane Annual Fireworks Show.	Olcott, NY. All waters of Lake Ontario within a 1,120-foot radius of land position 43°20'23.6" N, 078°43'09.5" W in Olcott, NY.	On or around the 4th of July.

(h) August Safety Zones

(1) Whiskey Island Paddlefest	Cleveland, OH. All U.S. waters of Lake Erie; Cleveland Harbor, from 41°29'59.5" N and 081°42'59.3" W to 41°30'4.4" N and 081°42'44.5" W to 41°30'17.3" N and 081°43'0.6" W to 41°30'9.4" N and 081°43'2.0" W to 41°29'54.9" N and 081°43'34.4" W to 41°30'0.1" N and 081°43'3.1" W and back to 41°29'59.5" N and 081°42'59.3" W (NAD 83).	On or around the 3rd or 4th weekend in August.
(2) D-Day Conneaut	Conneaut, OH. All U.S. waters of Conneaut Township Park, Lake Erie, within an area starting at 41°57'43.4" N 80°34'07.2" W to 41°58'03.2" N 80°34'20.0" W to 41°58'08.7" N 80°33'32.0" W to 41°58'04" N 80°33'31" W to 41°58'00" N to 80°33'36" W and returning to the point of origin..	On or around the 3rd week-end in August.
(3) Celebrate Erie Fireworks	Erie, PA. All U.S. waters of Presque Isle Bay within an 800-foot radius of the Dobbins Landing launch site, at 42°08'19.0" N, 080°05'29.0" W in Erie, PA.	On or around the 3rd week-end of August.
(4) Thunder on the Niagara Hydroplane Boat Races.	North Tonawanda, NY. All U.S. waters of the Niagara River near the North Grand Island Bridge, encompassed by a line starting at 43°03'32.9" N, 078°54'46.9" W to 43°03'14.6" N, 078°55'16.0" W then to 43°02'39.7" N, 078°54'13.1" W then to 43°02'59.9" N, 078°53'42.0" W and returning to the point of origin.	On or around the last week-end in July to the 2nd weekend of August.
(5) Ski Show Sylvan Beach	Sylvan Beach, NY. All waters where Fish Creek meets Oneida Lake starting at position 43°11'36.6" N, 75°43'53.8" W then South to 43°11'33.7" N, 75°43'51.2" W then East to 43°11'42.4" N, 75°43'38.6" W then North to 43°11'44.5" N, 75°43'39.7" W then returning to the point of origin.	On or around the 2nd or 3rd weekend of August.
(6) Great Lakes Offshore Grand Prix	Dunkirk, NY. All waters of Lake Erie starting at position 42°29'37.7" N, 079°21'17.7" W then Northwest to 42°29'45.2" N, 079°21'28.2" W then Northeast to 42°30'15.0" N, 079°21'20.0" W then Northeast to 42°30'39.0" N, 079°19'46.0" W then Southeast to 42°30'09.3" N, 079°19'03.1" W.	On or around the 2nd or 3rd weekend of August.
(7) County Commissioners Association of Pennsylvania Fireworks.	Erie, PA. All waters of Presque Isle Bay, from surface to bottom, encompassed by 350-foot radius around the Dobbins Landing Launch site, at 42°8'19.6008" N 80°5'29.2806" W.	On or around the 1st or 2nd week of August.

TABLE 1 TO § 165.939—Continued

Event	Location ^{1 2}	Date ³
(8) Tri CLE Rock Roll Run	Cleveland, OH. All U.S. waters of Lake Erie offshore Edgewater Beach and immediately adjacent waters within to following approximate safety zone rectangle: (1) 41°29'15.76" N, 081°44'46.34" W; (2) 41°29'27.96" N, 081°44'49.87" W; (3) 41°29'31.98" N, 081°44'24.01" W, (4) 41°29'27.46" N, 081°44'22.51" W.	On or around the 2nd week-end of August.
(i) September Safety Zones		
(1) Madison Light Up the Park	Madison Township, OH. All U.S. waters of Lake Erie, within a 210 ft radius of position 41°50'17" N and 081°02'51" W (NAD 83).	On or around the 1st week-end in September.
(2) Cleveland National Airshow	Cleveland, OH. All U.S. waters of Lake Erie and Cleveland Harbor (near Burke Lakefront Airport) from position 41°30'20" N and 081°42'20" W to 41°30'50" N and 081°42'49" W, to 41°32'09" N and 081°39'49" W, to 41°31'53" N and 081°39'24" W, then return to the original position (NAD 83) The.	Wednesday before Labor Day through Labor Day.
(3) Head of the Cuyahoga	Cleveland, OH. All U.S. waters of the Cuyahoga River, between a line drawn perpendicular to the river banks from position 41°29'55" N, 081°42'23" W (NAD 83) just past the Detroit-Superior Viaduct bridge at MM 1.42 of the Cuyahoga River south to a line drawn perpendicular to the river banks at position 41°28'32" N, 081°40'16" W (NAD 83) just south of the Interstate 490 bridge at MM 4.79 of the Cuyahoga River.	On or around the 3rd or 4th weekend in September.
(4) Village of Sodus Point Labor Day Fireworks.	Sodus Point, NY. All waters of Lake Ontario, from surface to bottom, encompassed by a 560-foot radius around 43°16'33" N 076°58'27" W in Sodus Point, NY.	On or around the 1st week-end of September.
(j) October Safety Zones		
(1) Light the Night at Canalside	Buffalo, NY. All waters of Lake Erie, from surface to bottom, encompassed by 350-foot radius around 42°52'07.96" N 78°53'00.87" W.	On or around the 1st week-end of October.
(k) November Safety Zones		
(1) City of Oswego Tree Lighting Display	Oswego, NY. All waters of the Oswego River, from surface to bottom, encompassed by a 210-foot radius around 43°27'15.18" N, 76°30'27.89" W.	On or around the 4th week-end in November.
(l) December Safety Zones		
(1) City of North Tonawanda NYE Fireworks	North Tonawanda, NY. All waters of the Erie Canal, from surface to bottom, encompassed by a 105-foot radius around 43°01'17.96" N 78°52'41.04" W.	On or around the last night in December.

¹ All geographic coordinates in Table 1 to § 165.939 are North American Datum of 1983 (NAD 83).

² Location and zone size subject to change. Exact location and size will be posted in Notice of Enforcement and Local Notice to Mariners.

³ Date subject to change. Exact date will be posted in Notice of Enforcement and Local Notice to Mariners.

Dated: March 21, 2025.

M.I. Kuperman,

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

[FR Doc. 2025-06946 Filed 4-22-25; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2025-0328]

RIN 1625-AA00

Safety Zone; Matagorda Ship Channel, Port Lavaca, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of the Matagorda Ship Channel. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the repair of submerged dredge pipeline in the Matagorda Ship Channel. Entry of vessels or persons into this zone is

prohibited unless specifically authorized by the Captain of the Port, Sector Corpus Christi, or a designated representative.

DATES: For the purposes of enforcement, actual notice will be used from April 14, 2025, until April 23, 2025. This rule is effective without actual notice from April 23, 2025, through June 06, 2025. It will be subject to enforcement each day it is in effect, between the hours of 6 p.m. to 6 a.m.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2025-0328 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Lieutenant Timothy Cardenas, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361-939-5130, email Timothy.J.Cardenas@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations

COTP Captain of the Port, Sector

Corpus Christi

DHS Department of Homeland Security

FR Federal Register

NPRM Notice of proposed rulemaking

§ Section

U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to 5 U.S.C. 553(b). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. This rule is intended to protect personnel, vessels, and the marine environment from potential hazards associated with repair of a pipeline, including the deployment of heavy equipment which will obstruct vessel traffic, continuous diving operations, and various other activities

which create underwater hazards for workers and the public. The Coast Guard was notified of this repair work April 7, 2025, and thus, there is insufficient time to publish an NPRM because the safety zone must be established by April 14, 2025.

In addition, the Coast Guard finds that good cause exists under 5 U.S.C. 553(d)(3) for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this safety zone is impracticable because it must be in effect by April 14, 2025, when pipeline repair operations begin, to respond to potential safety hazards.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port, Sector Corpus Christi (COTP) has determined that hazards inherent in underwater pipeline repair activities necessitate provisions to protect personnel, vessels, and the marine environment while those activities are taking place. The activities giving rise to these hazards include the deployment of heavy equipment which will obstruct vessel traffic, continuous diving operations, and various other activities which create underwater hazards for workers and the public.

IV. Discussion of the Rule

This rule establishes a safety zone from April 14, 2025, through June 6, 2025. The rule is subject to enforcement from 6 p.m. to 6 a.m. each day it is in effect. The safety zone will cover all navigable waters near pipeline repair operations, inside the area encompassed by a line connecting the following points: beginning at Point 1: 28°34'58.78" N, 96°33'08.69" W; thence to Point 2: 28°35'00.96" N, 96°32'49.79" W; thence to Point 3: 28°35'08.91" N, 96°33'04.94" W; thence to Point 4: 28°35'09.87" N, 96°32'50.23" W; thence returning to Point 1. No vessel or person will be permitted to enter the temporary safety zone during the period in which the rule is subject to enforcement without obtaining permission from the COTP or a designated representative, who may be contacted on Channel 16 VHF-FM (156.8 MHz) or by telephone at 1-800-874-2143. The Coast Guard will issue Broadcast Notices to Mariners and Safety Marine Information Broadcasts to inform the public of these restrictions.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses

based on a number of these statutes and Executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, and duration of the safety zone. The safety zone covers less than 1 square mile area of the Matagorda Ship Channel in Texas and will be enforced during overnight hours when there is less traffic. The temporary safety zone will be subject to enforcement for a period of 12 consecutive hours each day of the period, from April 14, 2025, to June 6, 2025. Vessels may be allowed to transit through the zone during the enforcement period with the prior approval of the COTP.

B. Impact on Small Entities

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

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

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

Small businesses may send comments on the actions of Federal employees

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f) and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishment of a temporary safety zone for navigable waters in the Matagorda Ship Channel lasting 12 hours per day for 54 days. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by submerged pipeline repair activities that may include deployment of heavy equipment which will obstruct vessel traffic, continuous diver's operations, and various other activities which create underwater hazards while people are working. It is categorically excluded from further review under paragraph L60(a), in Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0328 to read as follows:

§ 165.T08–0328 Safety Zone; Matagorda Ship Channel, Port Lavaca, TX

(a) *Location.* The safety zone includes all navigable waters of the Matagorda Ship Channel, from the surface to bottom, encompassed by a line connecting the following points: beginning at Point 1: 28°34'58.78" N,

96°33'08.69" W; thence to Point 2: 28°35'00.96" N, 96°32'49.79" W; thence to Point 3: 28°35'08.91" N, 96°33'04.94" W; thence to Point 4: 28°35'09.87" N, 96°32'50.23" W; thence returning to Point 1. These coordinates are based on World Geodetic System (WGS) 84.

(b) *Enforcement period.* This section will be subject to enforcement from 6 p.m. to 6 a.m. each day in the period, from April 14, 2025, through June 6, 2025.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into the temporary, fixed safety zone described in paragraph (a) is prohibited unless authorized by the COTP or a designated representative. They may be contacted on Channel 16 VHF–FM (156.8 MHz) or by telephone at 361–939–0450.

(2) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners and Safety Marine Information Broadcasts.

Dated: April 11, 2025.

Torrey H. Bertheau,

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

[FR Doc. 2025–06947 Filed 4–22–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2025–0214]

Safety Zone; Greater Bath Foundation Fireworks Display, Bath Creek, Bath, NC

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation; correction.

SUMMARY: The Coast Guard published a notification of enforcement of regulation in the **Federal Register** on April 1, 2025, concerning the enforcement a safety zone for the Greater Bath Foundation Fireworks Display, Bath Creek, Bath, NC. That document contained an incorrect CFR citation. This document corrects that citation.

DATES: This correction is effective April 23, 2025.

FOR FURTHER INFORMATION CONTACT: For information about this document call or

email LCDR Carl E. Hendrickson, Waterways Management Division Chief, U.S. Coast Guard; 571–610–2601, email carl.e.hendrickson@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard is correcting a notification of enforcement of regulation that published April 1, 2025. The Coast Guard is making this change to ensure interested persons can locate the safety zone within 33 CFR part 165.

Correction

In the **Federal Register** of April 1, 2025, in FR Doc. 2025–05536, on page 89 FR 14338, in the heading, 33 CFR part 100, is corrected to read 33 CFR part 165.

Dated: April 7, 2025.

Michael T. Cunningham,

Office Chief, Office of Regulations and Administrative Law.

[FR Doc. 2025–06954 Filed 4–22–25; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 601

Purchasing of Property and Services

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is revising its purchasing regulations governing contract claims and disputes to modify the required language to be included in contracting officer's final decisions, and to make other clarifying updates.

DATES: Effective April 23, 2025.

FOR FURTHER INFORMATION CONTACT:

Robert Dietz at 202–268–6088 or Susan Witt at 202–268–4833.

SUPPLEMENTARY INFORMATION: The Postal Service Board of Contract Appeals has changed the address for their electronic filing website. A change to the requirement for the wording of the contracting officer's final decision for contract claims and disputes in paragraph (g)(7) of § 601.109 (now paragraph (h)(7)) is required to update the new internet address. In addition, the following updates to § 601.109 are also being included:

- In paragraph (a), the reference to use of the Supplier Disagreement Resolution (SDR) official as a mediator for alternative dispute resolution (ADR) has been delated since, in practice, pre-claim ADR before the SDR official has not been utilized;

- Paragraph (b) was revised to streamline the recitation of the Postal Service's policy regarding resolution of contractual claims, and remove the reference to ADR;

- Paragraph (c): *Applicability* was added to clarify the types of Postal Service contracts that are subject to the section;
- The designation hierarchy of paragraphs (c) through (g) was adjusted to paragraphs (d) through (h);
- Paragraph (c) (now paragraph (d)) was revised to remove references to non-regulatory internal processes for the contract file, and to remove an outdated reference to contracts awarded prior to October 1, 1995;
- Paragraph (d) (now paragraph (e)) was revised to remove an outdated reference to contracts awarded prior to October 1, 1995;
- Paragraph (g)(1) (now paragraph (h)(1)) was revised to confirm that contracting officers must have the requisite authority to resolve claims under the section;
- Non-substantive stylistic edits were made to paragraphs (g)(2), (3), (5), (6), and (8) (now in paragraph (h));
- Paragraph (g)(4) (now paragraph (h)(4)) was revised to clarify that delivery of the contracting officer's final decision can be by any method that provides evidence of receipt, not only Certified Mail™, return receipt requested; and
- Paragraph (g)(10) was deleted to remove non-regulatory internal processes.

List of Subjects in 39 CFR Part 601

Administrative practice and procedure, Government procurement, Postal Service.

Accordingly, the Postal Service amends 39 CFR part 601 as follows:

PART 601—PURCHASING OF PROPERTY AND SERVICES

- 1. The authority citation for 39 CFR part 601 continues to read as follows:

Authority: 39 U.S.C. 401, 404, 410, 411, 2008, 5001–5605.

- 2. Section 601.109 is revised to read as follows:

§ 601.109 Contract claims and disputes.

(a) *General.* This section implements the Contract Disputes Act of 1978, as amended (41 U.S.C. 7101–7109).

(b) *Policy.* The Postal Service intends and seeks to resolve contractual claims and disputes by mutual agreement at the level of an authorized contracting officer whenever possible. The contracting officer may also consider holding informal discussions between the parties in order to resolve the conflict before issuing any final decision.

(c) *Applicability.* This section shall apply to all claims arising out of, or relating to, any contract, including any

agreement entered into under authority delegated pursuant to § 601.104 for:

- (1) The procurement of property, including license or leasehold interests in real property, other than fee simple title to real property in being;
 - (2) The procurement of services;
 - (3) The procurement of construction, alteration, repair, or maintenance of real property; or
 - (4) The disposal of personal property.
- (d) *Supplier claim initiation.* Supplier claims must be submitted in writing to the contracting officer for final decision within six years after accrual of a claim unless the parties agreed in writing to a shorter time period.

(e) *Postal Service claim initiation.* The contracting officer must issue a written decision on any Postal Service claim against a supplier within six years after accrual of a claim unless the parties agreed in writing to a shorter time period. The six-year time period does not apply to a Postal Service claim based on supplier fraud.

(f) *Certified claims.* Each supplier claim exceeding \$100,000 must be accompanied by a certification in accordance with the supplier's contract.

(g) *Misrepresentation or fraud.* When the contracting officer determines that the supplier is unable to support any part of the claim and there is evidence or reason to believe the inability is attributable to either misrepresentation of fact or fraud on the supplier's part, the contracting officer must deny that part of the claim and refer the matter to the Office of Inspector General.

(h) *Decision and appeal*—(1) *Contracting officer's authority.* A contracting officer, within the limitations of his or her delegated authority, is authorized to decide or settle all claims arising under or relating to a contract subject to the Contract Disputes Act, except for:

- (i) Claims or disputes for penalties or forfeitures prescribed by statutes or regulation that a Federal agency administers; or
- (ii) Claims involving fraud.

(2) *Contracting officer's final decision.* The contracting officer must review the facts pertinent to the claim and issue a final decision in writing. The decision must include a description of the claim or dispute with references to the pertinent contract terms, a statement of the factual areas of agreement and disagreement, and a statement of the contracting officer's final decision with supporting rationale.

(3) *Insufficient information.* When the contracting officer cannot issue a decision because the supplier has not provided sufficient information, the contracting officer should request the

required information. A supplier's failure to timely provide the requested information is an adequate reason to deny the claim.

(4) *Furnishing decisions.* The contracting officer must furnish a copy of the written decision to the supplier, and delivery may be by any method that provides evidence of receipt.

(5) *Decisions on claims for \$100,000 or less.* If the supplier has asked for a decision within 60 days on a claim of \$100,000 or less, the contracting officer must issue a final decision within 60 calendar days of its receipt. The supplier may consider the contracting officer's failure to issue a decision within the applicable time period as a denial of its claim and may file a lawsuit or appeal on the claim.

(6) *Decisions on certified claims.* For a certified claim over \$100,000, the contracting officer must either issue a final decision within 60 days of its receipt, or notify the supplier within the 60-day period of the time when a decision will be issued. The time period established must be reasonable, taking into account the size and complexity of the claim, the adequacy of the supplier's supporting data, and any other relevant factors.

(7) *Wording of decisions.* The contracting officer's final decision must contain the following paragraph: "This is the final decision of the contracting officer pursuant to the Contract Disputes Act of 1978 and the clause of your contract entitled *Claims and Disputes*. You may appeal this decision to the Postal Service Board of Contract Appeals by filing a notice of appeal within ninety days from the date you receive this decision. You may file the notice of appeal online through the USPS Judicial Officer Department's Electronic Filing System website located at <https://usps-judicialoffice.journaltech.com/public-portal>, or by mailing or otherwise furnishing the notice of appeal to the Postal Service Board of Contract Appeals. You also may appeal by mailing or otherwise furnishing the written notice of appeal to the contracting officer within 90 days from the date you receive this decision. The notice should identify the contract by number, reference this decision, and indicate that an appeal is intended. Alternatively, you may bring an action directly in the United States Court of Federal Claims within 12 months of the date you receive this decision."

(8) *Additional wording for decisions of \$50,000 or less.* When the claim, or claims, denied total \$50,000 or less, the contracting officer must add the following to the paragraph: "In taking

an appeal to the Postal Service Board of Contract Appeals, you may include in your notice of appeal (1) an election to proceed under the Board's small claims (expedited) procedure, which provides for a decision within approximately 120 days, or (2) an election to proceed under the Board's accelerated procedure, which provides for a decision within approximately 180 days. If you do not make an election in the notice of appeal, you may do so by written notice anytime thereafter."

(9) *Additional wording for decisions over \$50,000 up to \$100,000.* When the claim or claims denied total \$100,000 or less, but more than \$50,000, the contracting officer must add the following to the paragraph: "In taking an appeal to the Board of Contract Appeals, you may include in your notice of appeal an election to proceed under the Board's accelerated procedure, which provides for a decision within approximately 180 days. If you do not make an election in the notice of appeal, you may do so by written notice anytime thereafter."

Kevin Rayburn,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2025-06769 Filed 4-22-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Parts 301, 302, 303, 304, 305, 307, 308, 309, and 310

RIN 0970-AD06

Name Change From Office of Child Support Enforcement to Office of Child Support Services; Withdrawal

AGENCY: Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Direct final rule; withdrawal.

SUMMARY: ACF published in the **Federal Register** on December 31, 2024, a direct final rule making technical updates throughout Title 45 Code of Federal Regulations (CFR) Chapter III. On February 27, 2025, ACF re-opened the comment period and delayed the effective date until April 28, 2025. The comment period closed March 31, 2025. ACF is withdrawing the direct final rule because the Agency received significant adverse comment.

DATES: The direct final rule published at 89 FR 107015 on December 31, 2024 is withdrawn effective April 23, 2025.

FOR FURTHER INFORMATION CONTACT:

Kimberly Curtis, Division of Policy and Training, OCSS, telephone (202) 690-6614. Email inquiries to ocss.dpt@acf.hhs.gov. Telecommunications Relay users may dial 711 first.

SUPPLEMENTARY INFORMATION: On December 31, 2024, the Administration for Children and Families (ACF) published a direct final rule to change the name of the child support program throughout 45 CFR Chapter III, parts 301-310 and make technical updates to 45 CFR part 309. The direct final rule stated that if significant adverse comments were received, ACF would publish a timely withdrawal of the DFR in the **Federal Register**. ACF is withdrawing the direct final rule published in the **Federal Register** at 89 FR 107015 on December 31, 2024 because the agency has received significant adverse comments.

Dated: April 18, 2025.

Robert F. Kennedy Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2025-06958 Filed 4-22-25; 8:45 am]

BILLING CODE 4184-41-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 20-270; FCC 24-137; FR ID 273962]

Schedule of Application Fees

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) revises its Schedule of Application Fees to adjust for increases in the Consumer Price Index (CPI).

DATES: *Effective date:* May 23, 2025.

FOR FURTHER INFORMATION CONTACT:

Daniel Daly, Office of Managing Director, at (202) 418-1832, Daniel.Daly@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, FCC 24-137, MD Docket No. 20-270, adopted on December 31, 2024, and released on January 7, 2025. Based on the CPI, there is an increase of 17.41 percent in application fees. The full text of this document is available for public inspection by downloading the text from the Commission's website at <https://www.fcc.gov/document/2024-application-fee-order>.

I. Procedural Matters

A. Final Regulatory Flexibility Analysis

1. No Final Regulatory Flexibility Analysis is required under the Regulatory Flexibility Act, 5 U.S.C. 604, because the amendments adopted herein pertain to agency organization, procedure, and practice, or because there is "good cause" to conclude that notice and comment and delayed effectiveness are unnecessary for non-substantive, editorial revisions.

B. Final Paperwork Reduction Act of 1995 Analysis

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

C. Congressional Review Act

3. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that these rules are non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission has sent a copy of the Order to Congress and the Government Accountability office, pursuant to 5 U.S.C. 801(a)(1)(A).

II. Order

4. By the Order, the Commission adopts rule changes to our Schedule of Application Fees set forth in §§ 1.1102 through 1.1109 of our rules, to adjust our fees for processing applications and other filings. Section 8(b)(1) of the Communications Act of 1934, as amended (Communications Act or Act), requires the Commission, in every even-numbered year, to adjust the schedule of fees for processing applications to reflect increases or decreases in the Consumer Price Index (CPI), rounded to the nearest \$5 increment. In the Order, we make the 2024 CPI adjustment.

5. In December 2020, pursuant to authority established by the RAY BAUM'S Act, the Commission adopted a new application fee schedule that significantly updated the Commission's fiscal year (FY) 2018 fee schedule (last fee schedule before implementation of the RAY BAUM'S Act). Accordingly, in 2022, pursuant to section 8(b) of the Act, the Commission adjusted the fees by applying an inflation factor to the fees adopted in 2020 to reflect a change

in the CPI of 11.59%, an increase of 30.958 index points calculated from 267.054 (April 2021) to 298.012 (October 2022). Applying the CPI Index consistent with the preceding calculation and adjusted within a specific timeframe, the fee schedule adopted in the 2024 Order reflects a change in the CPI of 17.41%, an increase of 46.494 index points calculated from 267.054 (first effective date of 2020 fees in April 2021) to 313.548 (April 2024). The adjustments comply with the requirements set forth in section 8(b) of the Act. Pursuant to section 8(b)(2) of the Act, however, the Commission may not adjust an application fee if: (1) in the case of a fee the current amount of which is less than \$200, the adjustment would result in a change in the current amount of less than \$10 or (2) in the case of a fee the current amount of which is \$200 or more, the adjustment would result in a change in the current amount of less than 5 percent.

6. We recognize that, at the time of the Order, there are open rulemakings that propose new application fees. The Order, however, merely implements the 2024 CPI adjustment and does not address fees proposed in any other proceedings.

7. Procedural Matters. The methodology and timing of adjustments to application fees are prescribed by statute at 47 U.S.C. 158(b). Because our action implementing the statute under section 8(b) leaves us no discretion, prior notice and comment is unnecessary pursuant to 5 U.S.C. 553(b)(3)(B). Additionally, no final regulatory flexibility analysis is required pursuant to 5 U.S.C. 604(a) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Further, this document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

8. Congressional Review Act. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A) and section 9a(b) of the Act. Notification

of the fee adjustments made in the Order will also be published in the **Federal Register**.

9. Electronic Payments. As a reminder, filers are required to submit payments electronically in accordance with the procedures set forth on the Commission's website, <https://www.fcc.gov/licensing-databases/fees/application-processing-fees>. Payments can be made through the Commission Registration System (CORES), accessible at <https://apps.fcc.gov/cores/userLogin.do>. To file applications, tariffs, and petitions, parties utilize, as applicable, the Commission's Electronic Tariff Filing System (ETFS) for tariffs, which can be found at <https://apps.fcc.gov/etfs/etfsHome.action>, or the Electronic Comment Filing System (ECFS), which can be found at <https://www.fcc.gov/ecfs>. Petitions filed in hard copy format should be submitted according to the procedures set forth on the web page of the Commission's Office of the Secretary, accessible at <https://www.fcc.gov/secretary>.

III. Ordering Clauses

10. Accordingly, *it is ordered*, that, pursuant to sections 1, 4(i), 4(j), and 8 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), and 158, the rule changes specified in the Order *are adopted* and the Schedule of Application Fees, 47 CFR 1.1102 through 1.1107, *is amended* as set forth in the Appendix of the Order.

11. *It is further ordered* that the rule changes and adjustments to the Schedule of Application Fees made in the Order shall become effective 30 days after publication in the **Federal Register**.

12. *It is further ordered* that the Office of the Managing Director, Performance Program Management, *shall send* a copy of the Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), and section 9a(b) of the Act.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

Final Rules

For the reasons discussed in the document above, the Federal Communications Commission amends part 1 of title 47 of the Code of Federal Regulations as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note; 47 U.S.C. 1754, unless otherwise noted.

■ 2. Revise §§ 1.1102 through 1.1107 to read as follows:

* * * * *

Sec.

- 1.1102 Schedule of charges for applications and other filings in the wireless telecommunications services.
- 1.1103 Schedule of charges for equipment approval, experimental radio services (or service).
- 1.1104 Schedule of charges for applications and other filings for media services.
- 1.1105 Schedule of charges for applications and other filings for the wireline competition services.
- 1.1106 Schedule of charges for applications and other filings for the enforcement services.
- 1.1107 Schedule of charges for applications and other filings for the international services.

* * * * *

§ 1.1102 Schedule of charges for applications and other filings in the wireless telecommunications services.

Some of the wireless application fees in this section have a regulatory fee component that must be paid at the time of a new or a renewal of a wireless application. Please refer to the Wireless Filing Guide for payment type codes at <https://www.fcc.gov/wireless-fees>.

(a) In tables to this section, the amounts appearing in the column labeled “Fee Amount” are for application fees only. Certain services, as indicated in the following table, also have associated regulatory fees that must be paid at the same time the application fee is paid. For more information on the associated regulatory fees, please refer to the most recent Wireless Telecommunications Bureau Fee Filing Guide for the corresponding regulatory fee amount located at <https://www.fcc.gov/wireless-fees>. For additional guidance, please refer to § 1.1152. Application fee payments are required to be made electronically using the Commission's Registration System (CORES) once an application has been submitted in the Universal Licensing System (ULS). CORES is accessible at: <https://apps.fcc.gov/cores/userLogin.do>.

(b) Site-based licensed services are services for which an applicant's initial application for authorization generally provides the exact technical parameters of its planned operations (such as transmitter location, area of operation,

desired frequency(s)/band(s), power levels). Site-based licensed services include land mobile systems (one or more base stations communicating with mobile devices, or mobile-only systems), point-to-point systems (two

stations using a spectrum band to form a data communications path), point-to-multipoint systems (one or more base stations that communicate with fixed remote units), as well as radiolocation and radionavigation systems. Examples

of these licenses include, but are not limited to, the Industrial/Business Pool, Trunked licenses and Microwave Industrial/Business Pool licenses.

TABLE 1 TO PARAGRAPH (b)

Site-based license applications	New fee
New license, major modification	\$105.
Extension Requests	\$50.
Special temporary authority	\$150.
Assignment/transfer of control, initial call sign	\$50.
Assignment/transfer of control, each subsequent call sign, fee capped at 10 total call signs per application.	\$35.
Site-based license applications New fee Rule waivers associated with applications for assignment/transfer of control, per transaction, assessed on the lead application.	\$425.
Rule waivers associated with applications for assignment/transfer of control, per transaction, assessed on the lead application.	\$425.
Rule waiver not associated with an application for assignment/transfer of control	\$425.
Renewal	\$35.
Spectrum leasing	\$35.
Maritime, Aviation, Microwave, Land Mobile, and Rural Radio	Please refer to the Wireless Telecommunications Bureau Fee Filing Guide for Information on the payment of an associated regulatory fee.

(c) Personal licenses authorize shared use of certain spectrum bands or provide a required permit for operation of certain radio equipment. In either case, personal licenses focus only on eligibility and do not require technical review. Examples of these licenses include, but are not limited to, Amateur

Radio Service licenses (used for recreational, noncommercial radio services), Ship licenses (used to operate all manner of ships), Aircraft licenses (used to operate all manner of aircraft), Commercial Radio Operator licenses (permits for ship and aircraft station operators, where required), General

Mobile Radio Service (GMRS) licenses (used for short-distance, two-way voice communications using hand-held radios, as well as for short data messaging applications), Vanity, and Restricted Operator licenses.

TABLE 2 TO PARAGRAPH (c)

Personal license application	New fee
New license, modification	\$35.
Special temporary authority	\$35.
Rule waiver	\$35.
Renewal	\$35.
Vanity Call Sign (Amateur Radio Service)	\$35.
Marine (Ship), Aviation (Aircraft), and GMRS	Please refer to the Wireless Telecommunications Bureau Fee Filing Guide for Information on the payment of an associated regulatory fee.

(d) Geographic-based licenses authorize an applicant to construct anywhere within a particular geographic area's boundary (subject to certain technical requirements, including interference protection) and generally

do not require applicants to submit additional applications for prior Commission approval of specific transmitter locations. Examples of these licenses include, but are not limited to, the 220–222 MHz Service licenses,

Upper Microwave Flexible Use Service licenses, 600 MHz Band Service licenses, and 700 MHz Lower Band Service licenses.

TABLE 3 TO PARAGRAPH (d)

Geographic-based license applications	New fee
New License (other than Auctioned Licenses), Major Modification	\$360.
New License (Auctioned Licenses, Post-Auction Consolidated Long-Form and Short-Form Fee) (per application; NOT per call sign).	\$3,730.
Renewal	\$50.
Minor Modification	\$225.
Construction Notification/Extensions	\$325.
Special Temporary Authority	\$375.

TABLE 3 TO PARAGRAPH (d)—Continued

Geographic-based license applications	New fee
Assignment/Transfer of Control, initial call sign	\$230.
Assignment/Transfer of Control, subsequent call sign	\$35.
Spectrum Leasing	\$185.
Rule waivers associated with applications for assignment/transfer of control, per transaction, assessed on the lead application.	\$425.
Rule waiver not associated with an application for assignment/transfer of control	\$425.
Designated Entity Licensee Reportable Eligibility Event	\$50.
Maritime, Microwave, Land Mobile, 218–219 MHz	Please refer to the Wireless Telecommunications Bureau Fee Filing Guide for information on the payment of an associated regulatory fee.

§ 1.1103 Schedule of charges for equipment approval, experimental radio services (or service).

TABLE 1 TO § 1.1103

Type of application	Payment type code	Fee amount
Assignment of Grantee Code	EAG	\$35.00
New Station Authorization	EAE	140.00
Modification of Authorization	EAE	140.00
Renewal of Station Authorization	EAE	140.00
Assignment of License or Transfer of Control	EAE	140.00
Special Temporary Authority	EAE	140.00
Confidentiality Request	EAD	50.00

§ 1.1104 Schedule of charges for applications and other filings for media services.

TABLE 1 TO § 1.1104

Full power commercial and class A television stations		
Type of application	Payment type code	Fee amount
New or Major Change, Construction Permit	MVT	\$5,000/application (if no Auction).
New or Major Change, Construction Permit	MVS	\$5,675/application (if Auction, include Post-Auction, Consolidated Long & Short Form Fee).
Minor Modification, Construction Permit	MPT	\$1,565/application.
New License	MJT	\$425/application.
License Renewal	MGT	\$370/application.
License Assignment (2100 Schedule 314 & (long form))	MPU	\$1,460/station.
License Assignment (2100 Schedule 316 & (short form))	MDT	\$475/station.
Transfer of Control (2100 Schedule 315 & (long form)) ..	MPU	\$1,460/station.
Transfer of Control (2100 Schedule 316 & (short form)) ..	MDT	\$475/station.
Call Sign	MBT	\$190/application.
Special Temporary Authority	MPV	\$315/application.
Petition for Rulemaking for New Community of License ..	MRT	\$3,985/petition.
Biennial Ownership Report (Full Power TV Stations Only).	MAT	\$95/station.

TABLE 2 TO § 1.1104

Commercial AM radio stations		
Type of application	Payment type code	Fee amount
New or Major Change, Construction Permit	MUR	\$4,675/application.
New or Major Change, Construction Permit	MVR	\$5,350/application.
Minor Modification, Construction Permit	MVU	\$1,910/application.
New License	MMR	\$755/application.
AM Directional Antenna	MOR	\$1,480/application.
License Renewal	MGR	\$365/application.
License Assignment (2100 Schedule 314 & (long form))	MPR	\$1,180/station.
License Assignment (2100 Schedule 316 & (short form))	MDR	\$500/station.

TABLE 2 TO § 1.1104—Continued

Commercial AM radio stations		
Type of application	Payment type code	Fee amount
Transfer of Control (2100 Schedule 315 & (long form)) ..	MPR	\$1,180/station.
Transfer of Control (2100 Schedule 316 & (short form)) ..	MDR	\$500/station.
Call Sign	MBR	\$190/application.
Special Temporary Authority	MVV	\$325/application.
Biennial Ownership Report	MAR	\$95/station.

TABLE 3 TO § 1.1104

Commercial FM radio stations		
Type of application	Payment type code	Fee amount
New or Major Change, Construction Permit	MTR	\$3,870/application, if no Auction.
New or Major Change, Construction Permit	MVW	\$4,545/application, if Auction, include Consolidated Long and Short Form Fee.
Minor Modification, Construction Permit	MVX	\$1,485/application.
New License	MHR	\$275/application.
FM Directional Antenna	MLR	\$705/application.
License Renewal	MGR	\$365/application.
License Assignment (2100 Schedule 314 & (long form)) ..	MPR	\$1,180/station.
License Assignment (2100 Schedule 316 & (short form)) ..	MDR	\$500/station.
Transfer of Control (2100 Schedule 315 & (long form)) ..	MPR	\$1,180/station.
Transfer of Control (2100 Schedule 316 & (short form)) ..	MDR	\$500/station.
Call Sign	MBR	\$190/application.
Special Temporary Authority	MVY	\$235/application.
Petition for Rulemaking for New Community of License ..	MRR	\$3,735/petition.
Biennial Ownership Report	MAR	\$95/station.

TABLE 4 TO § 1.1104

FM translators		
Type of application	Payment type code	Fee amount
New or Major Change, Construction Permit	MOF	\$830/application, if no Auction.
New or Major Change, Construction Permit	MVZ	\$1,505/application, if Auction, include Consolidated Long and Short Form Fee.
Minor Modification, Construction Permit	MWA	\$235/application.
New License	MEF	\$210/application.
FM Translator/Booster License Renewal	MAF	\$205/application.
FM Translator/Booster Spec. Temp. Auth	MWB	\$190/application.
FM Translator License Assignment (2100 Schedule 345, 314, & 316).	MDF	\$325/station.
FM Translator Transfer of Control (2100 Schedule 345, 315, & 316).	MDF	\$325/station.
FM Booster, New or Major Change, Construction Permit ..	MOF	\$830/station.
FM Booster, New License	MEF	\$210/application.
FM Booster, Special Temporary Authority	MWB	\$190/application.

TABLE 5 TO § 1.1104

Section 310(b)(4) foreign ownership petition		
Type of application	Payment type code	Fee amount
Foreign Ownership Petition (separate and additional fee required for underlying application, if any).	MWC	\$2,920/application.

TABLE 6 TO § 1.1104

TV translators and LPTV stations		
Type of application	Payment type code	Fee amount
New or Major Change, Construction Permit	MOL	\$910/application, if no Auction.

TABLE 6 TO § 1.1104—Continued

TV translators and LPTV stations		
Type of application	Payment type code	Fee amount
New or Major Change, Construction Permit	MOK	\$1,585/application, if Auction, include Consolidated Long and Short Form Fee.
New License	MEL	\$250/application.
License Renewal	MAL	\$170/application.
Special Temporary Authority	MGL	\$315/application.
License Assignment (2100 Schedule 345, 314, & 316) ...	MDL	\$375/station.
Transfer of Control (2100 Schedule 345, 315, & 316)	MDL	\$375/station.
Call Sign	MBT	\$190/application.

TABLE 7 TO § 1.1104

Cable television and cars license services		
Type of application	Payment type code	Fee amount
Cable TV & CARS New License	TIC	\$530
Cable TV & CARS License, Modification (Major)	TID	405
Cable TV & CARS License, Modification (Minor)	TIE	50
Cable TV & CARS License, Renewal	TIF	305
Cable TV & CARS License, Assignment	TIG	430
Cable TV & CARS License, Transfer of Control	TIH	520
Cable TV & CARS License, Special Temporary Authority	TGC	265
Cable TV, Special Relief Petition	TQC	1,895
Cable TV & CARS License, Registration Statement	TAC	115
Cable TV & MVPD, Aeronautical Frequency Notification	TAB	100

§ 1.1105 Schedule of charges for applications and other filings for the wireline competition services.

TABLE 1 TO § 1.1105

Wireline competition services		
Type of application	Payment type code	Fee amount
Domestic 214 Applications—Part 63, Transfers of Control	CDU	\$1,445
Domestic 214 Applications—Special Temporary Authority	CDV	755
Domestic 214 Applications—Part 63 Discontinuances (Non-Standard Review) (Technology Transition Filings Subject to Section 63.71 (f) (2) (i) or Not Subject to Streamlined Automatic Grant, and Filings From Dominant Carriers Subject to 60-Day Automatic Grant).	CDW	1,445
Domestic 214 Applications—Part 63 Discontinuances (Standard Streamlined Review) (All Other Domestic 214 Discontinuance Filings).	CDX	375
VoIP Numbering	CDY	1,560
Standard Tariff Filing	CQK	1,040
Complex Tariff Filing (annual access charge tariffs, new or restructured rate plans) (Large—all price cap LECs and entities involving more than 100 LECs).	CQL	7,680
Complex Tariff Filing (annual access charge tariffs, new or restructured rate plans) (Small—other entities).	CQM	3,840
Application for Special Permission for Waiver of Tariff Rules	CQN	420
Waiver of Accounting Rules	CQP	5,185
Universal Service Fund Auction (combined long-form and short-form fee, paid only by winning bidder).	CQQ	3,480

§ 1.1106 Schedule of charges for applications and other filings for the enforcement services.

TABLE 1 TO § 1.1106

Enforcement services		
Type of application	Payment type code	Fee amount
Formal Complaint	CIZ	\$605

TABLE 1 TO § 1.1106—Continued

Enforcement services		
Type of application	Payment type code	Fee amount
Pole Attachment Complain	TPC	605
Petitions Regarding Law Enforcement Assistance Capability under CALEA	CLEA	8,155

§ 1.1107 Schedule of charges for applications and other filings for the international services.

TABLE 1 TO § 1.1107

International services		
Cable landing license, per application	Payment type code	New fee
New License, Cable Landing License Application, E-filed via MyIBFS	CXT	\$4,505
Assignment/Transfer of Control, Submarine Cable Landing—Assignment of License or Transfer of Control, E-filed via MyIBFS.	CUT	1,445
Pro Forma Assignment/Transfer of Control, Submarine Cable Landing—Assignment of License or Transfer of Control, E-filed via MyIBFS.	DAA	470
Foreign Carrier Affiliation Notification, Foreign Carrier Affiliation Notification (FCN), E-filed via MyIBFS.	DAB	580
Modification, Submarine Cable Landing—Modification of License, E-filed via MyIBFS.	DAC	1,445
Renewal	DAD	2,865
Special Temporary Authority, Submarine Cable Landing—Request for Special Temporary Authority, E-filed via MyIBFS.	DAE	755
Waiver	DAF	375

TABLE 2 TO § 1.1107

International services		
International Section 214 authorization, per application	Payment type code	New fee
New Authorization, International Section 214 Application, E-filed via MyIBFS	DAG	\$920
Assignment/Transfer of Control, International Section 214 Authorizations For Assignment Or Transfer of Control, E-filed via MyIBFS.	CUT	1,445
Pro forma Assignment/Transfer of Control, International Section 214 Authorizations For Assignment Or Transfer of Control, E-filed via MyIBFS.	DAA	470
Foreign Carrier Affiliation Notification, Foreign Carrier Affiliation Notification (FCN), E-filed via MyIBFS.	DAB	580
Modification, International Section 214—Modification of Authorization, E-filed via MyIBFS.	DAH	755
Special Temporary Authority, International Section 214 Special Temporary Authority Application, E-filed via MyIBFS.	DAE	755
Waiver	DAF	375
Discontinuance of services	DAJ	375

TABLE 3 TO § 1.1107

International services		
Section 310(b) foreign ownership, per application	Payment type code	New fee
Petition for Declaratory Ruling, Section 310(b) Petition for Declaratory Ruling, E-filed via MyIBFS.	DAK	\$2,920
Waiver	DAF	375

TABLE 4 TO § 1.1107

International services		
Recognized operating agency per application	Payment type code	New fee
Application for ROA Status, Recognized Operating Agency Filing, E-filed via MyIBFS	DAL	\$1,345
Waiver	DAF	375

TABLE 5 TO § 1.1107

International services		
Data Network Identification Code (DNIC), per application	Payment type code	New fee
New DNIC, Data Network Identification Code Filing, E-filed via MyIBFS	DAM	\$920
Waiver	DAF	375

TABLE 6 TO § 1.1107

International services		
International Signaling Point Code (ISPC), per application	Payment type code	New fee
New ISPC, International Signalling Point Code Filing, E-filed via MyIBFS	DAN	\$920
Transfer of Control	DAP	755
Modification	DAH	755
Waiver	DAF	375

TABLE 7 TO § 1.1107

International services		
Satellite earth station applications	Payment type code	New fee
Fixed or Temporary Fixed Transmit or Transmit/Receive Earth Stations, per Call Sign		
Initial application, single site	BAX	\$425.
Initial application, multiple sites	BAY	7,650.
Receive Only Earth Stations License or Registration, per Call Sign or Registration		
Initial application or registration, single site	CMO	205.
Initial application or registration, multiple sites, per system	CMP	520.
Initial application for Blanket Earth Stations, per Call Sign	CMQ	425.
Mobile Earth Stations Applications, per Call Sign		
Initial Application for Blanket Authorization, per system, per Call Sign	BGB	955.
Amendments to Earth Station Applications or Registrations per Call Sign		
Single Site	BGC	505.
Multiple Sites	BGD	705.
Earth Stations, Other Applications		
Applications for Modification of Earth Station Licenses or Registrations, per Call Sign	BGE	610.
Assignment or Transfer of Control of Earth Station Licenses or Registrations, per Call Sign ...	BGF	875 (first call sign).
	BGG	470 (for each additional call sign).
Pro Forma Assignment or Transfer of Control of Earth Station Licenses or Registrations, per Transaction.	BHA	470.
Earth Stations, Special Temporary Authority, per Call Sign	BHD	220.

TABLE 8 TO § 1.1107

International services		
Earth station renewals of licenses, per call sign	Payment type code	New fee
Single Site	BHB	\$130.
Multiple Sites	BHC	170.
Earth Station Requests for U.S. Market Access for Non-U.S. Licensed Space Stations		See Space Stations.

TABLE 9 TO § 1.1107

International services		
Satellite space station applications	Payment type code	New fee
Space Stations, Geostationary Orbit		
Application for Authority to Construct, Deploy, and Operate, per satellite	BNY	\$4,175.
Application for Authority to Operate, per satellite	BNZ	4,175.
Space Stations, Non-Geostationary Orbit		
Application for Authority to Construct, Deploy, and Operate, per system of technically identical satellites, per Call Sign.	CLW	17,670.
Application for Authority to Operate, per system of technically identical satellites, per Call Sign.	CLY	17,670.
Space Stations, Petition for Declaratory Ruling for Foreign-Licensed Space Station To Access the U.S. Market		
///Geostationary Orbit, per Call Sign	FAB	4,175.
Non-Geostationary Orbit, per Call Sign	FAC	17,670.
Small Satellites, per Call Sign	FAD	2,555.
Space Stations, Small Satellites, or Small Spacecraft		
Application to Construct, Deploy, and Operate, per Call Sign	FAE	2,555.
Other Applications for Space Stations		
Space Stations, Amendments, per Call Sign	FAF	1,900.
Space Stations, Modifications, per Call Sign	FAG	2,930.
Space Stations, Assignment or Transfer of Control, per Call Sign	FAH	875 (first call sign).
	FAJ	470 (for each additional call sign).
Space Stations, Pro Forma Assignment or Transfer of Control, per transaction	FAK	470.
Space Stations, Special Temporary Authority, per Call Sign	FAL	1,685.
Unified Space Station and Earth Station Initial Application, Amendment, and Modification		
Unified Space Station and Earth Station Initial Application, Amendment, and Modification	FCC Form 312 with Schedules B & S.	Applicable Space Station Fee + Applicable Earth Station Fee.

TABLE 10 TO § 1.1107

International services		
International Broadcast Stations (IBS) applications	Payment type code	New fee
New Construction Permit	MSN	\$4,710.
Construction Permit Modification	FAN	4,710.
New License	MNN	1,065.
License Renewal	MFN	270.
Frequency Assignment	MAN	90 per frequency-hour requested.
Transfer of Control	MCN	700.
Special Temporary Authority	MGN	465.

TABLE 11 TO § 1.1107

International services		
Permit to deliver programs to foreign broadcast stations under Section 325(c) applications	Payment type code	New fee
New License	MBU	\$425.
License Modification	MBV	215.
License Renewal	MBW	175.
Special Temporary Authority, Written Request	MBX	175.

TABLE 11 TO § 1.1107—Continued

International services		
Permit to deliver programs to foreign broadcast stations under Section 325(c) applications	Payment type code	New fee
Transfer of Control, Written Request	MBY	305.

[FR Doc. 2025–06899 Filed 4–22–25; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register

Vol. 90, No. 77

Wednesday, April 23, 2025

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0627; Project Identifier MCAI–2024–00608–E]

RIN 2120–AA64

Airworthiness Directives; GE Aviation Czech s.r.o. (Type Certificate Previously Held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.) Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2024–06–02, which applies to all GE Aviation Czech s.r.o. (GEAC) Model M601D–11, M601E–11, M601E–11A, M601E–11AS, M601E–11S, and M601F engines. AD 2024–06–02 was prompted by a report of a crack on the centrifugal compressor case mount pad weld area caused by a non-conforming weld (lack of welding penetration). AD 2024–06–02 requires a one-time detailed visual inspection (DVI) of the compressor case pad welds for any crack, and replacement of the compressor case if necessary. Since the FAA issued AD 2024–06–02, the manufacturer determined that the compliance time for the DVI can be extended, and repetitive inspections of the centrifugal compressor case must be accomplished. This proposed AD would require performing repetitive DVIs of the compressor case pad welds for any crack, replacing the compressor case if necessary, and sending certain inspection results to the manufacturer, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by June 9, 2025.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–0627; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI) any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu*; website: *easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Robert Charbonneau, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7132; email: *robert.d.charbonneau@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 **ADDRESSES**. Include “Docket No. FAA–2025–0627; Project Identifier MCAI–2024–00608–E” 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 NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Robert Charbonneau, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2024–06–02, Amendment 39–22707 (89 FR 21196, March 27, 2024) (AD 2024–06–02), for GEAC Model M601D–11, M601E–11, M601E–11A, M601E–11AS, M601E–11S, and M601F engines. AD 2024–06–02 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2024–0040–E, dated February 8, 2024 (EASA AD 2024–0040–E), to correct an unsafe condition identified as a crack on the

centrifugal compressor case mount pad weld area caused by a non-conforming weld (lack of welding penetration).

AD 2024–06–02 requires a one-time detailed visual inspection of the compressor case pad welds for any crack and replacement of the compressor case, if necessary. The FAA issued AD 2024–06–02 to prevent failure of the centrifugal compressor case.

Actions Since AD 2024–06–02 Was Issued

Since the FAA issued AD 2024–06–02, EASA superseded EASA AD 2024–0040–E and issued EASA AD 2024–0194, dated October 15, 2024 (EASA AD 2024–0194) (also referred to as the MCAI). EASA AD 2024–0194 states since that AD was issued, it has been confirmed that the compliance time for the DVI can be extended, and that repetitive DVIs of the affected part must be accomplished.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0627.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024–0194 specifies procedures for performing repetitive DVIs of the compressor case pad welds for any crack, replacement of the compressor case if necessary, and sending certain inspection results to the manufacturer.

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

FAA’s Determination

These products have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and material referenced above. 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.

Proposed AD Requirements in This NPRM

This proposed AD would retain none of the requirements of AD 2024–06–02. This proposed AD would require accomplishing the actions specified in the MCAI described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Differences Between This Proposed AD and the MCAI

GEAC Model M601D, M601D–1, M601D–2, M601D–11NZ, M601E, M601E–21, M601FS, and M601Z engines do not have an FAA type certificate, therefore this proposed AD does not include those engines in the applicability.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 45 engines installed on 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
Inspect centrifugal compressor case	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$3,825
Report inspection results	1 work-hour × \$85 per hour = \$85	0	85	3,825

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

results of the proposed inspection. The agency has no way of determining the

number of engines that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace centrifugal compressor case	10 work-hours × \$85 per hour = \$850	\$5,000	\$5,850

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB

Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation

Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify 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 2024–06–02, Amendment 39–22707 (89 FR 21196, March 27, 2024); and
 - b. Adding the following new airworthiness directive:

GE Aviation Czech s.r.o. (Type Certificate Previously Held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.): Docket No. FAA–2025–0627; Project Identifier MCAI–2024–00608–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 9, 2025.

(b) Affected ADs

This AD replaces AD 2024–06–02, Amendment 39–22707 (89 FR 21196, March 27, 2024) (AD 2024–06–02).

(c) Applicability

This AD applies to GE Aviation Czech s.r.o. (GEAC) (type certificate previously held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.) Model M601D–11, M601E–11, M601E–11A, M601E–11AS, M601E–11S, and M601F engines.

(d) Subject

Joint Aircraft System Component (JASC) Codes 7120, Engine Mount Section; 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by a report of a crack on the centrifugal compressor case mount pad weld area caused by a non-conforming weld (lack of welding penetration). The FAA is issuing this AD to prevent failure of the centrifugal compressor case. The unsafe condition, if not addressed, could result in crack propagation, possibly resulting in engine separation and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD, perform all required actions within the compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2024–0194, dated October 15, 2024 (EASA AD 2024–0194).

(h) Exceptions to EASA AD 2024–0194

- (1) Where EASA AD 2024–0194 requires compliance from its effective date, this AD requires using the effective date of this AD.
- (2) Where EASA AD 2024–0194 specifies to contact the manufacturer for approved instructions if any crack is detected on an affected part, this AD requires replacement of the compressor case.
- (3) This AD does not adopt the Remarks paragraph of EASA AD 2024–0194.

(i) Alternative Methods of Compliance (AMOCs)

The Manager, AIR–730 International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the AIR–730 International Validation Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: AMOC@faa.gov.

(j) Additional Information

For more information about this AD, contact Robert Charbonneau, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7132; email: robert.d.charbonneau@faa.gov.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) 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.

(i) European Union Aviation Safety Agency (EASA) AD 2024–0194, dated October 15, 2024.

(ii) [Reserved]

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

(4) You may view this material at FAA, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on April 14, 2025.

Paul R. Bernado,

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

[FR Doc. 2025–06903 Filed 4–22–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2025–0262]

RIN 1625–AA08

Special Local Regulation; York River, Yorktown, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a special local regulation for certain waters on the York River in Yorktown, VA. This action is necessary to provide for the safety of life on these navigable waters during an annual high-speed boat race. This proposed rulemaking would prohibit persons and vessels from entering the regulated area unless authorized by the Captain of the Port, Sector Virginia or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 8, 2025.

ADDRESSES: You may submit comments identified by docket number USCG–

2025–0262 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LCDR Justin Strassfield, Sector Virginia, Waterways Management Division, U.S. Coast Guard, Telephone: (571) 608–2969; or virginiawaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port, Sector Virginia
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
SLR Special Local Regulation
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On February 26, 2025, the Coast Guard received a request, under 33 CFR 100.15, from the County of York, for a Marine Event Permit to host a high-speed boat race to be held on June 1, 2025, from noon until 2 p.m., on the York River in Yorktown, VA. The sponsor plans to host this event annually thereafter, on the first Sunday of June. The high-speed boat race will include approximately 35 participants and 200 spectator craft.

The Captain of the Port, Sector Virginia (COTP) has determined that potential hazards associated with a high-speed boat race will be a safety concern for anyone within the race area of the York River. This rule is needed to protect personnel and vessels in the navigable waters within the regulated area of this special local regulation during the event.

The COTP, after approving plans for the holding of a marine event within his or her district or zone, is authorized to promulgate such special local regulations (SLRs) as he or she deems necessary to ensure safety of life on the navigable waters immediately prior to, during, and immediately after the approved regatta or marine parade. 33 CFR 100.35. The purpose of this rulemaking is to protect event participants, non-participants, and transiting vessels before, during, and after the scheduled event by promulgating an SLR for the annual

event. We are providing a comment period of 15 days on the assumption we will have enough time to receive comments, consider them, make any appropriate changes, and publish a final rule by June 1, 2025, when the event will occur. The Coast Guard is proposing this rulemaking under statutory authority in 46 U.S.C. 70041.

III. Discussion of Proposed Rule

The COTP is proposing to establish an SLR which would be codified within 33 CFR 100.501 (Special Local Regulations; Marine Events Within the Fifth Coast Guard District). The SLR would be subject to enforcement annually, from noon to 2:00 p.m. on the first Sunday of June. There is no alternate day planned for this event. Section 100.501 provides, however, that, in the case of inclement weather or other just cause found by the respective COTP, an event may be conducted within 30 days before or after the date(s) identified in the SLR. See 33 CFR 100.501(g).

The proposed regulated area would be located on the York River, in Yorktown, VA., on a designated, marked course. The coordinates of the regulated area are provided in the language of the draft rule, provided below. The proposed enforcement period for the rule and the size of the regulated area have been chosen to ensure the safety of life on these navigable waters before, during, and after the high-speed boat race scheduled from noon to 2:00 p.m. on the first Sunday of June annually. As provided in 33 CFR 100.501(d)(1), the COTP and Coast Guard Event Patrol Commander (PATCOM) would have authority to forbid and control the movement of all vessels and persons, including event participants, in the regulated area. No vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP or Event PATCOM. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This NPRM has not been designated a

“significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, duration, and time-of-day of the special local regulation. Vessel traffic would be able to safely transit around this special local regulation which would impact a small, designated area of the York River for no more than 2 hours a year, during a time when vessel traffic is normally low. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the special local regulation may be small entities, for the reasons stated in section IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1,

associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a special local regulation lasting 2 hours that would prohibit entry within a race area. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Memorandum for the Record supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2025–0262 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed

rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you click on the Dockets tab and then the proposed rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. In § 100.501, amend table 3 to paragraph (i)(3), by adding the entry, in alphabetical order, for “York River Workboat Race,” to read as follows:

§ 100.501 Special Local Regulations—Recurring Events Within the Fifth Coast Guard District.

*	*	*	*	*
(i)	*	*	*	
(3)	*	*	*	

Dated: March 28, 2025.
Peggy M. Britton,
Captain, U.S. Coast Guard, Captain of the
Port Sector Virginia.
 [FR Doc. 2025-06945 Filed 4-22-25; 8:45 am]
BILLING CODE 9110-04-P

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2024–0068]

Notice of Decision To Authorize the Importation of Fresh Rhizomes of Wasabi From Indonesia Into the United States

AGENCY: Animal and Plant Health Inspection Service, U.S. Department of Agriculture.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to authorize the importation of fresh rhizomes of wasabi, *Eutrema japonicum* (Miq.) Koidz. (Brassicaceae), into the United States for consumption from Indonesia. Based on the findings of a pest risk analysis, which we made available to the public for review and comment through a previous notice, we have determined that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh rhizomes of wasabi from Indonesia.

DATES: Imports may be authorized beginning April 23, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. Hesham Abuelnaga, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 69 Thomas Johnson Dr., Frederick, MD 21702; (301) 820–8791; Hesham.A.Abuelnaga@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in “Subpart L—Fruits and Vegetables” (7 CFR 319.56–1 through 319.56–12, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture

prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into and spread within the United States.

Section 319.56–4 of the regulations contains a performance-based process for approving the importation of commodities that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section. Under this process, APHIS proposes to authorize the importation of a fruit or vegetable into the United States if, based on the findings of a pest risk analysis, we determine that the measures can mitigate the plant pest risk associated with the importation of that fruit or vegetable. APHIS then publishes a notice in the **Federal Register** announcing the availability of the pest risk analysis that evaluates the risks associated with the importation of that fruit or vegetable. Following the close of the 60-day comment period, APHIS will issue a subsequent notice in the **Federal Register** announcing whether or not we will authorize the importation of the fruit or vegetable subject to the phytosanitary measures specified in the notice.

In accordance with that process, we published a notice¹ in the **Federal Register** on January 16, 2025 (90 FR 4714–4715, Docket No. APHIS–2024–0068), in which we announced the availability, for review and comment, of a pest risk analysis that evaluated the risks associated with the importation into the United States of fresh rhizomes of wasabi, *Eutrema japonicum* (Miq.) Koidz. (Brassicaceae), for consumption from Indonesia. The pest risk analysis consisted of a risk assessment identifying pests of quarantine significance that could follow the pathway of importation of fresh rhizomes of wasabi from Indonesia and a risk management document (RMD) identifying phytosanitary measures to be applied to that commodity to mitigate the pest risk.

We solicited comments on the notice for 60 days ending March 17, 2025. We received two comments by that date, one from a wasabi grower in Indonesia

and the other from the national plant protection organization (NPPO) of Indonesia.

The comment from the Indonesian wasabi grower expressed unqualified support for the notice.

The commenter representing the NPPO asked that we remove the requirement for the phytosanitary certificate (PC) to state that the consignment is free of pests, pointing out that our pest risk assessment (PRA) did not identify any quarantine pests that could follow the pathway of the importation of wasabi from Indonesia. As specified in the RMD that accompanied the initial notice, the Indonesian NPPO must inspect each consignment of commercially produced wasabi to be imported into the United States and issue a PC for each consignment stating that the consignment is free of pests.

We are making no changes in response to the request to amend the PC requirements. The requirements for the PC are modeled after the International Plant Protection Convention in its International Standards for Phytosanitary Measures No. 12, “Guidelines for Phytosanitary Certificates,” which includes a certification that the consignment has been inspected and/or tested according to appropriate official procedures and is considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests.² In this regard, we note that our PRA evaluated the plant pest risk associated with commercially produced wasabi from Indonesia intended for export for consumption, and this does not obviate the need for individual consignments to be inspected for plant pests and certified as free. For example, the PRA did not evaluate the plant pest risk associated with consignments that have been produced under noncommercial practices or commingled with noncommercially produced wasabi.

The commenter also asked that the name of the NPPO be updated in the Economic Effects Assessment (EEA) from “Ministry of Agriculture, Agency

¹ To view the notice, supporting documents, and the comments we received, go to www.regulations.gov. Enter APHIS–2024–0068 in the Search field.

² <https://openknowledge.fao.org/server/api/core/bitstreams/4ae0018d-5df7-4b26-b847-592254042548/content>.

for Agricultural Quarantine” to “the Indonesian Quarantine Authority.”

We are making no changes to the EEA based on the name change of the NPPO. We acknowledge and agree that the name has been updated but as this name change does not impact the conclusions of the EEA, we are not revising it at this time. We will, however, incorporate this name change in any future documents.

Therefore, in accordance with § 319.56–4(c)(3)(iii), we are announcing our decision to authorize the importation into the United States of fresh rhizomes of wasabi, *Eutrema japonicum* (Miq.) Koidz. (Brassicaceae), for consumption from Indonesia subject to the phytosanitary measures identified in the RMD that accompanied the initial notice.

These conditions will be listed in the U.S. Department of Agriculture’s, APHIS Agricultural Commodity Import Requirements (ACIR) database (<https://acir.aphis.usda.gov/s/>). In addition to these specific measures, each shipment must be subject to the general requirements listed in § 319.56–3 that are applicable to the importation of all fruits and vegetables.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the recordkeeping and burden requirements associated with this action are covered under the Office of Management and Budget control number 0579–0049.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this notice, please contact APHIS.PRA@usda.gov.

(Authority: 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.)

Done in Washington, DC, this 17th day of April 2025.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2025–06937 Filed 4–22–25; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Northeast Oregon Forests Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Northeast Oregon Forests Resource Advisory Committee (RAC) will hold a public meeting according to the details shown below. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act, as well as make recommendations on recreation fee proposals for sites on the Malheur, Umatilla, and Wallowa-Whitman National Forests within Baker, Grant, Harney, Morrow, Union, Wallowa, and Wheeler Counties, consistent with the Federal Lands Recreation Enhancement Act.

DATES: An in-person and virtual meeting will be held on May 8, 2025, 8:30 a.m. to 4:30 p.m. Pacific Daylight Time.

Written and Oral Comments: Anyone wishing to provide in-person and/or virtual oral comments must pre-register by 11:59 p.m. Pacific Daylight Time on April 29, 2025. Written public comments will be accepted by 11:59 p.m. Pacific Daylight Time on May 2, 2025. Comments submitted after this date will be provided by the Forest Service to the committee, but the committee may not have adequate time to consider those comments prior to the meeting.

All committee meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: This meeting will be held in-person at the La Grande Ranger District Office (Mt. Fanny Conference Room), located 3502 US–30, La Grande, Oregon 97850. The public may also join the meeting virtually via Microsoft Teams/Meeting ID: 246 104 370 412/ Passcode: C6T5gx2v, or Dial in by phone + +1 202–650–0123, 721084375# United States, Washington Phone conference ID: 721 084 375#. Committee information and meeting details can be found on the Northeast Oregon Resource Advisory Committee’s website at

<https://www.fs.usda.gov/detail/umatilla/workingtogether/advisorycommittees/?cid=fseprd1003510> or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to chase.bloom@usda.gov or via mail (postmarked) to Chase Bloom, 1550 Dewey Ave., Suite A, Baker City, Oregon 97814. The Forest Service strongly prefers comments be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. Pacific Daylight Time on April 29, 2025, and speakers can only register for one speaking slot. Oral comments must be sent by email to chase.bloom@usda.gov or via mail (postmarked) to Chase Bloom, 1550 Dewey Ave., Suite A, Baker City, Oregon 97814.

FOR FURTHER INFORMATION CONTACT: Chase Bloom, Designated Federal Officer, by phone at 541–820–3801 or email at chase.bloom@usda.gov; or Acacia Probert, RAC Coordinator, by phone at 541–523–1387 or email at acacia.probert@usda.gov.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review criteria for Title II funding and recommendations;
2. Annual review of Ethics Training for committee members;
3. Hear from Title II project proponents and discuss Title II project proposals;
4. Make funding recommendations on Title II projects;
5. Schedule the next meeting; and
6. Other.

The agenda will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least three days prior to the meeting date to be scheduled on the agenda. Written comments may be submitted to the Forest Service up to 10 days after the meeting date listed under **DATES**.

Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, by or before the deadline, for all questions related to the meeting. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

Meeting Accommodations: The meeting location is compliant with the Americans with Disabilities Act, and the USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you are a person requiring reasonable

accommodation, please make requests in advance for sign language interpretation, assistive listening devices, or other reasonable accommodation to the person listed under the **FOR FURTHER INFORMATION CONTACT** section, or contact USDA's TARGET Center at (202) 720-2600 (voice and TTY) or USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

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

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

Dated: April 9, 2025.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2025-06309 Filed 4-22-25; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S-226-2024]

Approval of Subzone Status; Century Arms, Inc.; Georgia, Vermont

On December 26, 2024, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Greater Burlington Industrial Corporation, grantee of FTZ 55, requesting subzone status subject to the existing activation limit of FTZ 55, on behalf of Century Arms, Inc. in Georgia, Vermont.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (90 FR 70, January 2, 2025). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ

Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 55C was approved on April 17, 2025, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to FTZ 55's ten-acre activation limit.

Dated: April 17, 2025.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2025-06929 Filed 4-22-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-62-2024]

Foreign-Trade Zone (FTZ) 49; Authorization of Production Activity; Sanofi US Services Inc.; (Pharmaceutical Products); Ridgefield, New Jersey

On December 18, 2024, Sanofi US Services Inc. submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 49Z in Ridgefield, New Jersey.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (90 FR 596, January 6, 2025). On April 17, 2025, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including section 400.14.

Dated: April 17, 2025.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2025-06930 Filed 4-22-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-928]

Ceramic Tile From India: Final Negative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that ceramic tile from India is not being, or is not likely to be, sold in the United

States at less than fair value (LTFV). The period of investigation is April 1, 2023, through March 31, 2024.

DATES: Applicable April 23, 2025.

FOR FURTHER INFORMATION CONTACT:

Theodora Mattei, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4834.

SUPPLEMENTARY INFORMATION:

Background

On December 2, 2024, Commerce published the *Preliminary Determination* in the **Federal Register** and invited interested parties to comment.¹ A summary of the events that occurred since Commerce published its *Preliminary Determination*, may be found in the Issues and Decision Memorandum.² The Issues and 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 Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The product covered by this investigation is ceramic tile from India. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

We received no comments from interested parties on the scope of the investigation as it appeared in the *Preliminary Determination*. Therefore, we made no changes to the scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision

¹ See *Ceramic Tile from India: Preliminary Negative Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 89 FR 95182 (December 2, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, "Issues and Decision Memorandum for the Final Negative Determination in the Less-Than-Fair-Value Investigation of Ceramic Tile from India," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Memorandum is attached as Appendix II to this notice.

Verification

As provided in section 782(i)(1) of the Tariff Act of 1930, as amended (the Act), in October 2024, we verified the sales and cost information submitted by Antiqua Minerals (Antiqua) and Win-Tel Ceramics Private Limited (Win-Tel) for use in our final determination.³ We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Antiqua and Win-Tel.

Changes Since the Preliminary Determination

Based on our verification findings, a review of the record, and the comments received from interested parties regarding the *Preliminary Determination*, for this final determination we made certain changes to the margin calculations for both Antiqua and Win-Tel. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Critical Circumstances

For this final determination, we find that Antiqua and Win-Tel have not made

sales of subject merchandise at LTFV. Consequently, Commerce has not conducted a critical circumstances analysis for this final determination, pursuant to sections 735(a)(3) of the Act and 19 CFR 351.206. For further information on Commerce's critical circumstances analysis, *see* the section "Final Critical Circumstances Determination" in the Issues and Decision Memorandum.

Final Determination

Commerce determines that the following estimated dumping rates exist:

Company	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent)
Antiqua Minerals	0.00	Not Applicable.
Win-Tel Ceramics Private Limited	0.00	Not Applicable.

Disclosure

Commerce intends to disclose to interested parties the calculations performed in connection with this final 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).

Suspension of Liquidation

In the *Preliminary Determination*, the estimated weighted-average dumping margins for Antiqua and Win-Tel were zero and, thus, we did not suspend liquidation of entries of ceramic tile from India. Because Commerce has made a final negative determination of sales at LTFV, we will not direct U.S. Customs and Border Protection to suspend liquidation or to require cash deposits of estimated antidumping duties for entries of ceramic tile from India.

U.S. International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, Commerce will notify the ITC of its final negative determination of sales at LTFV. As our final determination is negative, this proceeding is terminated in accordance with section 735(c)(2) of the Act.

Administrative Protective Order (APO)

This notice serves as a final reminder to parties subject to an APO of their

responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 735(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: April 16, 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 covered by this investigation is ceramic flooring tile, wall tile, paving tile, hearth tile, porcelain tile, mosaic tile, flags, decorative tile, finishing tile, and the like (hereinafter ceramic tile). Ceramic tiles are articles containing a mixture of minerals including clay (generally hydrous silicates of alumina or magnesium) that are fired so the raw materials are fused to produce a tile that is less than 3.2 cm in thickness, exclusive of decorative features. All ceramic tile is subject to the scope

regardless of end use, surface area, and weight, regardless of whether the tile is glazed or unglazed, regardless of the water absorption coefficient by weight, regardless of the extent of vitrification, and regardless of whether or not the tile is on a backing. Subject merchandise includes ceramic tile "slabs" or "panels" (tiles that are larger than 1 meter² (11 ft²)).

Subject merchandise includes ceramic tile that undergoes minor processing in a third country prior to importation into the United States. Similarly, subject merchandise includes ceramic tile produced that undergoes minor processing after importation into the United States. Such minor processing includes, but is not limited to, one or more of the following: beveling, cutting, trimming, staining, painting, polishing, finishing, additional firing, affixing a decorative surface to the tile, or any other processing that would otherwise not remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope product.

Subject merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under the following subheadings of heading 6907: 6907.21.1005, 6907.21.1011, 6907.21.1051, 6907.21.2000, 6907.21.3000, 6907.21.4000, 6907.21.9011, 6907.21.9051, 6907.22.1005, 6907.22.1011, 6907.22.1051, 6907.22.2000, 6907.22.3000, 6907.22.4000, 6907.22.9011, 6907.22.9051, 6907.23.1005, 6907.23.1011, 6907.23.1051, 6907.23.2000, 6907.23.3000, 6907.23.4000, 6907.23.9011, 6907.23.9051, 6907.30.1051, 6907.30.2000, 6907.30.3000, 6907.30.4000, 6907.30.9011, 6907.30.9051, 6907.40.1005, 6907.40.1011, 6907.40.1051, 6907.40.2000, 6907.40.3000, 6907.40.4000, 6907.40.9011, and 6907.40.9051. Subject merchandise may also enter under subheadings of headings 6913,

³ See Memoranda, "Verification of the Sales Response of Win-Tel Ceramics Private Limited,"

and "Sales Verification Report for Antiqua Minerals," both dated March 14, 2025.

6914, and 6905: 6913.90.2000, 6914.10.8000, 6914.90.8000, 6905.10.0000, and 6905.90.0050.

The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Final Negative Determination of Critical Circumstances
- IV. Scope of the Investigation
- V. Changes Since the Preliminary Determination
- VI. Discussion of the Issues
 - Comment 1: Whether Commerce Should Reject One of Antiqua's Minor Corrections and Apply Partial Adverse Facts Available (AFA)
 - Comment 2: Whether Commerce Should Reject Win-Tel's Minor Corrections and Apply Partial AFA
 - Comment 3: Whether Commerce Should Find Win-Tel Affiliated and Collapsed with Neelson Porselano LLP and Apply AFA
 - Comment 4: Whether Commerce Should Apply AFA to Antiqua because it Failed to Report its Several Affiliates as Producers of Ceramic Tile
 - Comment 5: Whether Commerce Should Find Antiqua Collapsed with Segam Tiles Pvt. Ltd. and Antiqua Marbonite Pvt. Ltd. and Apply AFA
 - Comment 6: Whether Commerce Should Apply AFA to Antiqua for Inadequate Reporting of Several Affiliated Input Suppliers
 - Comment 7: Whether Win-Tel Properly Reported Intercompany Transactions
 - Comment 8: Whether Win-Tel Properly Reported Scrap Offset
 - Comment 9: Whether Win-Tel Properly Reported Production Quantity
 - Comment 10: Whether Win-Tel Properly Reported Financial Expenses
- VII. Recommendation

[FR Doc. 2025-06908 Filed 4-22-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-583-880]

Certain Monomers and Oligomers From Taiwan: Initiation of Countervailing Duty Investigation

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

DATES: Applicable April 16, 2025.

FOR FURTHER INFORMATION CONTACT: Suresh Maniam, Office I, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of

Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1603.

SUPPLEMENTARY INFORMATION:

The Petition

On March 27, 2025, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) petition concerning imports of certain monomers and oligomers (monomers and oligomers) from Taiwan, filed in proper form on behalf of Arkema, Inc. (the petitioner), a domestic producer of monomers and oligomers.¹ The CVD Petition was accompanied by antidumping duty (AD) petitions concerning imports of monomers and oligomers from the Republic of Korea and Taiwan.²

Between March 31 and April 8, 2025, Commerce requested supplemental information pertaining to certain aspects of the Petition in supplemental questionnaires.³ Between April 4 and 11, 2025, the petitioner filed timely responses to these requests for additional information.⁴

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Taiwan Authorities (TA) are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of monomers and oligomers in Taiwan, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing monomers and oligomers in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition was accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner

demonstrated sufficient industry support with respect to the initiation of the requested CVD investigation.⁵

Period of Investigation (POI)

Because the Petition was filed on March 27, 2025, the POI is January 1, 2024, through December 31, 2024.⁶

Scope of the Investigation

The product covered by this investigation is monomers and oligomers from Taiwan. For a full description of the scope of this investigation, see the appendix to this notice.

Comments on the Scope of the Investigation

On March 31 and April 8, 2025, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.⁷ Between March 31 and April 11, 2025, the petitioner provided clarifications and revised the scope.⁸ The description of merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).⁹ Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information, all such factual information should be limited to public information.¹⁰ To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on May 6, 2025, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include

¹ See Petitioner's Letter, "Petition for the Imposition of Antidumping and Countervailing Duties," dated March 27, 2025 (Petition).

² *Id.*

³ See Commerce's Letters, "Supplemental Questions," dated March 31, 2025 (First General Issues Questionnaire) and "Supplemental Questions," dated April 2, 2025; see also Memorandum, "Phone Call with Counsel to the Petitioner," dated April 8, 2025 (April 8 Memorandum).

⁴ See Petitioner's Letters, "Response to General Issues and Injury Supplemental Questions," dated April 4, 2025 (First General Issues Supplement); "Response to Volume III Supplemental Questions," dated April 8, 2025; and "Response to Supplemental Questions," dated April 11, 2025 (Second General Issues Supplement).

⁵ See section on "Determination of Industry Support for the Petition," *infra*.

⁶ See 19 CFR 351.204(b)(2).

⁷ See First General Issues Questionnaire; see also April 8 Memorandum.

⁸ See First General Issues Supplement at 9-11 and Exhibits Supp-I-2 and Supp-I-3; see also Second General Issues Supplement at 1-6 and Exhibits Supp2-I-1 through Supp2-I-3. On March 31, 2025, the petitioner also filed an amendment containing technical modifications to the scope in the Petition. See Petitioner's Letter, "Amendment to Petition," dated March 31, 2025.

⁹ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); see also 19 CFR 351.312.

¹⁰ See 19 CFR 351.102(b)(21) (defining "factual information").

factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on May 16, 2025, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of this investigation be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹¹ An electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the TA of the receipt of the Petition and provided an opportunity for consultations with respect to the Petition.¹² Commerce held consultations with the TA on April 14, 2025.¹³

Additionally, given the nature of certain subsidy programs alleged in the Petition, on March 28, 2025, Commerce issued a letter to the Government of the People's Republic of China (GOC), providing the GOC with the opportunity to meet with Commerce officials.¹⁴ The GOC did not request to meet with Commerce officials.¹⁵

¹¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance; Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.

¹² See Commerce's Letter, "Invitation for Consultations to Discuss the Countervailing Duty Petition," dated March 28, 2025.

¹³ See Memorandum, "Consultations with the Government of Taiwan," dated April 14, 2025; see also TA's Letter, "GOT's Submission," dated April 14, 2025.

¹⁴ See Commerce's Letter, "Alleged Transnational Subsidy Programs," dated March 28, 2025.

¹⁵ The GOC submitted comments on the CVD petition. See GOC's Letter, "Comments on the

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,¹⁶ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹⁷

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the

Countervailing Duty Petition," dated April 11, 2025.

¹⁶ See section 771(10) of the Act.

¹⁷ See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)).

domestic like product analysis begins is "the article subject to an investigation" (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation.¹⁸ Based on our analysis of the information submitted on the record, we have determined that monomers and oligomers, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁹

In determining whether the petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the "Scope of the Investigation," in the appendix to this notice. To establish industry support, the petitioner provided its own 2024 production of the domestic like product and compared this to the estimated total production of the domestic like product in 2024 by the entire domestic industry.²⁰ We relied on data provided by the petitioner for purposes of measuring industry support.²¹

Our review of the data provided in the Petition, the First General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition.²² First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.*, polling).²³ Second, the domestic producers (or workers) have met the statutory criteria for industry support

¹⁸ See Petition at Volume I (pages I–10 through I–12); see also First General Issues Supplement at 12–17 and Exhibit I–Supp–7; and Second General Issues Supplement at 6–7.

¹⁹ For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see Checklist, "Countervailing Duty Investigation Initiation Checklist: Certain Monomers and Oligomers from Taiwan," dated concurrently with, and hereby adopted by, this notice (Taiwan CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Monomers and Oligomers from the Republic of Korea and Taiwan (Attachment II). This checklist is on file electronically via ACCESS.

²⁰ For further discussion, see Attachment II of the Taiwan CVD Initiation Checklist.

²¹ *Id.*

²² *Id.*

²³ *Id.*; see also section 702(c)(4)(D) of the Act.

under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.²⁴ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.²⁵ Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.²⁶

Injury Test

Because Taiwan is a “Subsidies Agreement Country” within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from Taiwan materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that imports of the subject merchandise are benefiting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioner alleges that subject imports from Taiwan exceed the negligibility threshold provided for under section 771(24)(A) of the Act.²⁷

The petitioner contends that the industry’s injured condition is illustrated by a significant volume of subject imports; reduced market share; underselling and price depression and/or suppression; declines in production, capacity, capacity utilization, and U.S. shipments; declines in profitability, operating income, net income, cash flow, return on assets, capital expenditures, and research and development expenditures; and lost

sales and revenues.²⁸ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.²⁹

Initiation of CVD Investigation

Based upon the examination of the Petition and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of monomers and oligomers from Taiwan benefit from countervailable subsidies conferred by the TA. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on 38 of the 43 programs alleged by the petitioner. For a full discussion of the basis for our decision to initiate on each program, *see* the Taiwan CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

In the Petition, the petitioner identified seven Companies in Taiwan as producers/exporters of monomers and oligomers.³⁰ Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in this investigation. In the event that Commerce determines that the number of companies is large and it cannot individually examine each company based on Commerce’s resources, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) entry data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheading(s) listed in the “Scope of the Investigation” in the appendix.

On April 15, 2025, Commerce released CBP data on imports of monomers and oligomers from Taiwan under administrative protective order (APO) to all parties with access to information protected by APO and

indicated that interested parties wishing to comment on CBP data and/or respondent selection must do so within three business days of the publication date of the notice of initiation of this investigation.³¹ Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety via ACCESS by 5 p.m. ET on the specified deadline. Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce’s website at <https://www.trade.gov/administrative-protective-orders>.

Distribution of a Copy of the Petition

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the TA via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of monomers and oligomers from Taiwan are materially injuring, or threatening material injury to, a U.S. industry.³² A negative ITC determination will result in the investigation being terminated.³³ Otherwise, this CVD investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors of production under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v)

²⁴ See Attachment II of the Taiwan CVD Initiation Checklist.

²⁵ *Id.*

²⁶ *Id.*

²⁷ For further information regarding negligibility and the injury allegation, *see* Taiwan CVD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping Duty and Countervailing Duty Petitions Covering Certain Monomers and Oligomers from the Republic of Korea and Taiwan (Attachment III).

²⁸ *Id.*

²⁹ *Id.*

³⁰ See Petitions at Volume I (pages I–8 and I–9 and Exhibit I–7).

³¹ See Memorandum, “Release of U.S. Customs and Border Protection Entry Data,” dated April 15, 2025.

³² See section 703(a)(1) of the Act.

³³ *Id.*

evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted³⁴ and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.³⁵ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.³⁶ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed

after 10 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in this investigation.³⁷

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.³⁸ Parties must use the certification formats provided in 19 CFR 351.303(g).³⁹ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letters of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁴⁰

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: April 16, 2025.

Christopher Abbott,

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

Appendix

Scope of the Investigation

The products subject to this investigation are certain multifunctional acrylate and methacrylate monomers, and acrylated bisphenol-A epoxy based oligomers (collectively, certain monomers and oligomers or CMOs) that are derived from chemical reactions involving the use of acrylic or methacrylic acid. Products within the scope are listed below and have the following Chemical Abstracts Service (CAS) numbers:

CAS No.	Description	Molecular formula
109–16–0	Triethylene glycol dimethacrylate (TEGDMA)	C ₁₄ H ₂₂ O ₆ .
13048–33–4	1,6-hexanediol diacrylate (HDDA)	C ₁₂ H ₁₈ O ₄ .
42978–66–5	Tripropylene glycol diacrylate (TPGDA)	C ₁₅ H ₂₄ O ₆ .
3290–92–4	Trimethylolpropane trimethacrylate (TMPTMA)	C ₁₈ H ₂₆ O ₆ .
15625–89–5	Trimethylolpropane triacrylate (TMPTA)	C ₁₅ H ₂₀ O ₆ .
28961–43–5	Ethoxylated trimethylol-propane triacrylate (EOTMPTA)	(C ₂ H ₄ O) _n (C ₂ H ₄ O) _n (C ₂ H ₄ O) _n C ₁₅ H ₂₀ O ₆ .
57472–68–1	Dipropylene glycol diacrylate (DPGDA)	C ₁₂ H ₁₈ O ₅ .
55818–57–0	Bisphenol-A-epichlorohydrin copolymer acrylate (EPOXY ACRY-LATE).	(C ₁₅ H ₁₆ O ₂ ·C ₃ H ₅ ClO) _x ·xC ₃ H ₄ O ₂ .

The monomers are generally known as multifunctional acrylates (MFAs) or multifunctional methacrylates (MFMA) depending on whether the functional groups are acrylate or methacrylate. The monomers generally contain stabilizers/inhibitors, which include but are not limited to Hydroquinone, Methyl Hydroquinone, and Butylated Hydroxy Toluene. The monomers are either difunctional or trifunctional (having 2 or 3 functional groups/molecule), have viscosities of 9 to 15 centipoise (cPs) at 25 degrees Celsius (if difunctional) or 44 to 110 cPs at 25 degrees Celsius (if

trifunctional), have (meth) acrylate equivalent weights (molecular weight per number of functional groups) between 99 and 158 and molecular weights between 226 and 472 grams per mol.

The acrylated bisphenol-A epoxy based oligomer is commonly referred to as epoxy acrylate or acrylated epoxy. In contrast to epoxy resin, the main characteristic of the epoxy acrylate oligomer is that it contains acrylate functional groups which make them curable by free-radical polymerization. The epoxy acrylate has a molecular weight between 508 to 536 grams per mol and a

viscosity of 2400 to 3600 cPs at 65 degrees Celsius. The epoxy acrylate generally contains stabilizers/inhibitors, which include but are not limited to Hydroquinone, Methyl Hydroquinone, and Butylated Hydroxy Toluene.

Certain monomers and oligomers are subject to the scope even if an in-scope monomer or oligomer is blended or mixed with one or more other in-scope monomers or oligomers.

Certain monomers and oligomers in any blend or mixture are also subject to the scope, so long as the blend or mixture

³⁴ See 19 CFR 351.301(b).

³⁵ See 19 CFR 351.301(b)(2).

³⁶ See 19 CFR 351.302.

³⁷ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

³⁸ See section 782(b) of the Act.

³⁹ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also frequently asked

questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

⁴⁰ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

contains no less than 20 percent by weight of in-scope CMOs.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing, or removing ingredients, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the subject country.

The scope also includes CMOs that are commingled, mixed or blended with in-scope product from sources not subject to this investigation.

Only the subject component(s) of such blends, mixtures or commingled products described above is covered by the scope of this investigation. Subject merchandise contained in a blended, mixed or commingled product described above will not have undergone a chemical reaction as a result of being blended, mixed or commingled.

Notwithstanding the above, specifically excluded from the scope are downstream products, including but not limited to, inks, coatings and overprint varnishes. For purposes of this exclusion, the downstream product requires only the application of energy to be cured, e.g., inks or varnish applied to packaging, coatings applied to wood flooring, etc. The energy source required to cure the downstream product to its substrate can be thermal, ultraviolet radiation, visible light, electron beam radiation, or infrared radiation.

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2916.12.5050, 2916.14.2050, 3824.99.2900, 3907.29.0000 and 3907.30.0000. Subject merchandise may also be entered under subheadings 2916.12.1000 and 3824.99.9397. The HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes only; the written description of the scope is dispositive.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-929]

Ceramic Tile From India: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, in Part

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of ceramic tile from India. The period of investigation is April 1, 2023, through March 31, 2024.

DATES: Applicable April 23, 2025.

FOR FURTHER INFORMATION CONTACT: Jinny Ahn or Natasia Harrison, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0339 or (202) 482-1240, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 27, 2024, Commerce published its *Preliminary Determination* in the *Federal Register* and aligned this countervailing duty (CVD) investigation with the final determination in the less-than-fair-value investigation of ceramic tile from India, in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4).¹ Commerce invited interested parties to comment on the *Preliminary Determination*.² For a summary of the events that occurred since the *Preliminary Determination*, see the Issues and Decision Memorandum.³ The Issues and 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 Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The product covered by this investigation is ceramic tile from India. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

On November 22, 2025, we issued the Preliminary Scope Decision Memorandum⁴ in which we considered

¹ See *Ceramic Tile from India: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, in Part, and Alignment of Final Determination With the Final Antidumping Duty Determination*, 89 FR 79245 (September 27, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² *Id.*, 89 FR at 79247.

³ See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination of the Countervailing Duty Investigation of Ceramic Tile from India," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See Memorandum, "Antidumping Duty Investigation and Countervailing Duty Investigation of Ceramic Tile from India: Preliminary Scope Decision Memorandum," dated November 22, 2024 (Preliminary Scope Memorandum).

comments from parties regarding the scope of this investigation and the companion investigation of sales at less than fair value. In the Preliminary Scope Memorandum, we made no changes to the scope of this investigation as it was initiated. We invited comments on the Preliminary Scope Memorandum. We received no comments from interested parties on the scope of the investigation as it appeared in the Preliminary Scope Decision Memorandum. Therefore, we made no changes to the scope of the investigation.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in the case and rebuttal briefs that were submitted by interested parties in this investigation, are discussed in the Issues and Decision Memorandum. For a list of the issues raised by parties, and to which we responded in the Issues and Decision Memorandum, see Appendix II.

Verification

As provided in section 782(i) of the Act, in December 2024, Commerce conducted verification of the information reported by Antiqua Minerals (Antiqua), and Win-Tel Ceramics Private Limited (Win-Tel), and the Government of India (GOI) for use in our final determination. We used standard verification procedures, including an examination of relevant account records and original source documents provided by Antiqua, Win-Tel, and the GOI.⁵

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found to be countervailable, Commerce 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.⁶ In making its determination, Commerce relied, in part, on facts available with adverse inferences. For a full description of the methodology underlying our final

⁵ See Memoranda, "Verification of the Questionnaire Responses of the Government of India," dated February 11, 2025; "Verification of Questionnaire Responses of Antiqua Minerals," dated February 11, 2025; and "Verification of Questionnaire Responses of Win-Tel Ceramics Private Limited," dated February 11, 2025.

⁶ See sections 771(5)(B) and (D) of the Act regarding financial contribution; see also section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

determination, *see* the Issues and Decision Memorandum.

Final Affirmative Determination of Critical Circumstances, in Part

In accordance with section 705(a)(2) of the Act, we continue to find that critical circumstances do not exist with respect to U.S. imports of subject merchandise from Antiqua and Win-Tel. However, Commerce continues to find that critical circumstances exist with respect to imports of subject merchandise for all other exporters and/or producers not individually examined. For a full description of the methodology and results of Commerce's analysis, *see* the "Final Determination of Critical Circumstances, in Part" section in the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our review and analysis of the information reviewed during verification and analysis of comments received from interested parties, for this final determination, we made certain changes to the countervailable subsidy rate calculations for Antiqua and Win-Tel, and for all other producers/exporters. For a discussion of these changes, *see* the Issues and Decision Memorandum.

All-Others Rate

In accordance with section 705(c)(1)(B)(i) of the Act, we calculated an individual estimated countervailable subsidy rate for the two mandatory respondents, Antiqua and Win-Tel. Section 705(c)(5)(A)(i) of the Act states that, for companies not individually investigated, Commerce will determine an all-others rate equal to the weighted-average countervailable subsidy rates established for exporters and/or producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates, and any rates determined entirely under section 776 of the Act.

In this investigation, we continue to calculate individual estimated countervailable subsidy rates for Antiqua and Win-Tel that are not zero, *de minimis*, or based entirely on facts otherwise available. We, therefore, continue to calculate the all-others rate using a weighted average of the individual estimated subsidy rates calculated for the examined respondents (*i.e.*, Antiqua and Win-Tel) using each company's publicly-ranged sales value for their exports of ceramic tile to the

United States, in accordance with section 705(c)(5)(A)(i) of the Act.⁷

Final Determination

Commerce determines that the following estimated countervailable subsidy rates exist for the period April 1, 2023, through March 31, 2024:

Company	Subsidy rate (percent <i>ad valorem</i>)
Antiqua Minerals	3.45
Win-Tel Ceramics Private Limited ⁸	3.06
All Others	3.18

Disclosure

Commerce intends to disclose to interested parties the calculations performed in connection with this final 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).

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination*, and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of ceramic tile from India that were entered, or withdrawn from warehouse, for consumption on or after September 27, 2024, the date of publication of the *Preliminary*

⁷ 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 closer to (A) as the most appropriate rate for all 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 a complete analysis of the data, *see* Memorandum, "Calculation of the All-Others Rate for the Final Determination," dated concurrently with this notice.

⁸ Commerce preliminarily found Win-Tel Ceramics Private Limited to be cross-owned with Theos Tiles LLP. *See Preliminary Results PDM* at 14–15. For this final determination, Commerce continues to find Win-Tel Ceramics Private Limited to be cross-owned with Theos Tiles LLP.

Determination in the **Federal Register**.⁹ In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of ceramic tile entered or withdrawn from warehouse, on or after January 25, 2025, the final day of provisional measures, but to continue the suspension of liquidation of all entries of ceramic tile that were subject to suspension of liquidation on or before January 24, 2025.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for entries of ceramic tile in the amounts indicated above. Pursuant to section 705(c)(2) of the Act, if the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or cancelled.

ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of ceramic tile from India. As Commerce's final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days after this final determination, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of import of ceramic tile from India. In addition, we are making available to the ITC all non-privileged and nonproprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits posted will be refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all

⁹ *See Preliminary Determination*, 89 FR at 79246.

imports of the ceramic tile that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Suspension of Liquidation” section.

Administrative Protective Order

This notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: April 16, 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 covered by this investigation is ceramic flooring tile, wall tile, paving tile, hearth tile, porcelain tile, mosaic tile, flags, decorative tile, finishing tile, and the like (hereinafter ceramic tile). Ceramic tiles are articles containing a mixture of minerals including clay (generally hydrous silicates of alumina or magnesium) that are fired so the raw materials are fused to produce a tile that is less than 3.2 cm in thickness, exclusive of decorative features. All ceramic tile is subject to the scope regardless of end use, surface area, and weight, regardless of whether the tile is glazed or unglazed, regardless of the water absorption coefficient by weight, regardless of the extent of vitrification, and regardless of whether or not the tile is on a backing. Subject merchandise includes ceramic tile “slabs” or “panels” (tiles that are larger than 1 meter² (11 ft²)).

Subject merchandise includes ceramic tile that undergoes minor processing in a third country prior to importation into the United States. Similarly, subject merchandise includes ceramic tile produced that undergoes minor processing after importation into the United States. Such minor processing includes, but is not limited to, one or more of the following: beveling, cutting, trimming, staining, painting, polishing, finishing, additional firing, affixing a decorative surface to the tile, or any other processing that would otherwise not remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope product.

Subject merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under the following subheadings of heading 6907: 6907.21.1005, 6907.21.1011, 6907.21.1051, 6907.21.2000, 6907.21.3000, 6907.21.4000, 6907.21.9011, 6907.21.9051, 6907.22.1005, 6907.22.1011, 6907.22.1051, 6907.22.2000, 6907.22.3000, 6907.22.4000, 6907.22.9011, 6907.22.9051, 6907.23.1005, 6907.23.1011, 6907.23.1051, 6907.23.2000, 6907.23.3000, 6907.23.4000, 6907.23.9011, 6907.23.9051, 6907.30.1005, 6907.30.1011, 6907.30.1051, 6907.30.2000, 6907.30.3000, 6907.30.4000, 6907.30.9011, 6907.30.9051, 6907.40.1005, 6907.40.1011, 6907.40.1051, 6907.40.2000, 6907.40.3000, 6907.40.4000, 6907.40.9011, and 6907.40.9051. Subject merchandise may also enter under subheadings of headings 6913, 6914, and 6905: 6913.90.2000, 6914.10.8000, 6914.90.8000, 6905.10.0000, and 6905.90.0050. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Final Affirmative Determination of Critical Circumstances, in Part
- V. Use of Facts Otherwise Available and Application of Adverse Inferences
- VI. Upstream Subsidy Allegations
- VII. Subsidies Valuation
- VIII. Changes Since the Preliminary Determination
- IX. Analysis of Programs
- X. Discussion of the Issues
 - Comment 1: Whether Commerce Should Apply Total Adverse Facts Available (AFA) to the Mandatory Respondents Based on Their Affiliation Reporting
 - Comment 2: Whether Commerce Should Find that Antiqua Withheld Information About Its Affiliations that Impeded the Investigation
 - Comment 3: Whether Commerce Should Find that Win-Tel Withheld Information About Its Affiliations that Impeded the Investigation
 - Comment 4: Whether Commerce Properly Applied AFA to the State Government of Gujarat (SGOG) Provision of Gas for Less than Adequate Remuneration (LTAR) Program and Should Revise the Benchmarks Used to Calculate Benefit
 - Comment 5: Whether the Export Promotion Capital Goods Scheme (EPCGS) is Countervailable and Commerce Correctly Calculated Benefit for Win-Tel
 - Comment 6: Whether Commerce Should Continue to Find the Duty Drawback (DDB) Program Countervailable
 - Comment 7: Whether the Remission of Duties and Taxes on Export Products (RoDTEP) is Countervailable and Commerce Correctly Calculated Benefit for the Mandatory Respondents
 - Comment 8: Whether the SGOG Electricity Duty Exemption Program is Countervailable and Commerce Should

Find that Win-Tel Benefited from This Program

- Comment 9: Whether Commerce Should Find the SGOG Industrial Policy Programs Assistance of Capital Investment Subsidy and Assistance for Interest Subsidy Geographically Specific and Countervail Both Programs
- Comment 10: Whether Critical Circumstances Exist for the Mandatory Respondents and All Other Producers and Exporters of Ceramic Tile from India
- Comment 11: Whether Commerce Should Have Initiated an Inquiry into the Petitioner's Upstream Subsidy Allegations

XI. Recommendation

[FR Doc. 2025–06909 Filed 4–22–25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–876]

Welded Line Pipe From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that certain producers/exporters subject to this administrative review did not make sales of subject merchandise at less than normal value (NV). Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable April 23, 2025.

FOR FURTHER INFORMATION CONTACT: Grant Fuller, 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) 482–6228.

SUPPLEMENTARY INFORMATION:

Background

On February 8, 2024, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on welded line pipe from the Republic of Korea (Korea).¹ The period of review (POR) is December 1, 2022, through November 30, 2023. On July 22, 2024, Commerce tolled certain deadlines in this

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 8641 (February 8, 2024); see also *Welded Line Pipe from the Republic of Korea and the Republic of Turkey: Antidumping Duty Orders*, 80 FR 75056, 75057 (December 1, 2015) (*Order*).

administrative proceeding by seven days.² On August 23, 2024, we extended the preliminary results of this review to December 24, 2024.³ Further, on December 9, 2024, we extended the preliminary results of this review to no later than January 6, 2025.⁴ Also on December 9, 2024, Commerce tolled the deadline to issue the preliminary results in this administrative review by 90 days.⁵ Accordingly, the deadline for these preliminary results is now April 7, 2025. For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁶

Scope of the Order

The merchandise subject to the *Order* is welded line pipe. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix 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>.

² *See* Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024.

³ *See* Memorandum, "Extension of Deadline for Preliminary Results of 2022–2023 Antidumping Duty Administrative Review," dated August 23, 2024.

⁴ *See* Memorandum, "Second Extension of Deadline for Preliminary Results of 2022–2023 Antidumping Duty Administrative Review," dated December 9, 2024.

⁵ *See* Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated December 9, 2024.

⁶ *See* Memorandum, "Decision Memorandum for the Preliminary Results of the 2022–2023 Administrative Review of the Antidumping Duty Order on Welded Line Pipe from Korea," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Review-Specific Rate for Non-Examined Companies

The Act and Commerce's regulations do not address the establishment of a weighted-average dumping margin to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair-value (LTFV) investigation, for guidance when calculating the weighted-average dumping margin for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally "an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}."

Where the dumping margin for individually examined respondents are all zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use "any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated."

In this review, we preliminarily calculated weighted-average dumping margins of zero percent for the mandatory respondents Hyundai Pipe and SeAH Steel Corporation (SeAH). Consistent with the U.S. Court of Appeals for the Federal Circuit's decision in *Albemarle*,⁷ and Commerce's practice,⁸ we assigned the companies not selected for individual examination in this review, Husteel Co., Ltd. and NEXTEEL Co., Ltd., a weighted-average dumping margin of zero percent based on the rates calculated for Hyundai Pipe and SeAH, in accordance with section 735(c)(5)(B) of the Act.

⁷ *See Albemarle Corp. v. United States*, 821 F.3d 1345 (Fed. Cir. 2016) (*Albemarle*).

⁸ *See, e.g., Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2020–2021*, 87 FR 60989 (October 7, 2022), unchanged in *Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2020–2021*, 88 FR 20218 (April 5, 2023).

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margins for the period December 1, 2022, through November 30, 2023:

Producer or exporter	Weighted-average dumping margin (percent)
Husteel Co., Ltd	0.00
Hyundai Steel Pipe Co., Ltd. ⁹ ...	0.00
NEXTEEL Co., Ltd	0.00
SeAH Steel Corporation	0.00

Disclosure and Public Comment

We intend to disclose the calculations and analysis performed to interested parties for these preliminary results within five days of any 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).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.¹⁰ 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.¹¹ 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.¹² All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged

⁹ On November 14, 2024, Commerce found via a changed circumstances review that Hyundai Steel Pipe Co., Ltd. is the successor-in-interest to Hyundai Steel Company. *See Circular Welded Non-Alloy Steel Pipe from the Republic of Korea; Certain Oil Country Tubular Goods from the Republic of Korea; Welded Line Pipe from the Republic of Korea; and Large Diameter Welded Pipe from the Republic of Korea: Notice of Final Results of Antidumping Duty Changed Circumstances Reviews*, 89 FR 89962 (November 14, 2024), and accompanying Issues and Decision Memorandum.

¹⁰ *See* 19 CFR 351.309.

¹¹ *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*).

¹² *See* 19 CFR 351.309(c)(2) and (d)(2).

interested parties to provide an executive summary of their briefs that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹³ 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 results in this administrative review. 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).¹⁴

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the requesting party's name, address, and telephone number; (2) the number of individuals from the requesting party that will attend the hearing and whether any of those individuals is a foreign national; and (3) a list of the issues the party intends to discuss at the hearing. Issues raised in the hearing by a party will be limited to those raised in the party's case and rebuttal briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice in the **Federal Register**. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.¹⁵

Assessment Rates

Upon issuing the final results, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries. If either Hyundai Pipe's or SeAH's weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.50 percent) in the final results of this review: (1) for Hyundai Pipe, we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales to

the total entered value of these sales, in accordance with 19 CFR 351.212(b)(1); and (2) for SeAH, because it did not report actual entered value for all of its U.S. sales, we will calculate importer-specific per-unit duty assessment rates by aggregating the total amount of antidumping duties calculated for the examined sales and dividing this amount by the total quantity of those sales. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "automatic assessment" practice will apply to entries of subject merchandise during the POR produced by Hyundai Pipe or SeAH for which the reviewed companies did not know that the merchandise they sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.¹⁶

For the companies which were not selected for individual review, we will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the weighted-average of the dumping margins calculated for Hyundai Pipe and SeAH in the final results of this review, unless that rate is zero or *de minimis*, in which case we intend to instruct CBP to liquidate relevant entries without regarding to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.¹⁷

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (i.e., within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 4.38 percent, the all-others rate established in the LTFV investigation.¹⁸ These deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1), unless otherwise extended.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

¹³ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁴ See APO and Service Final Rule.

¹⁵ See 19 CFR 351.310(d).

¹⁶ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹⁷ See section 751(a)(2)(C) of the Act.

¹⁸ See Order.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h) and 351.221(b)(4).

Dated: April 7, 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

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. Recommendation

[FR Doc. 2025–06900 Filed 4–22–25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979, C–570–980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Results of Changed Circumstances Reviews, and Intent To Revoke the Antidumping and Countervailing Duty Orders, in Part

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily intends to revoke, in part, of the antidumping duty (AD) and countervailing duty (CVD) orders on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China) with respect to certain small, low-wattage, off-grid (CSPV) cells as described below. Interested parties are invited to comment on these preliminary results.

DATES: Applicable April 23, 2025.

FOR FURTHER INFORMATION CONTACT: Samantha Biondo, Office of Policy, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6358.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 2012, Commerce published the AD and CVD orders on

solar cells from China.¹ On August 28, 2024, Lutron Electronics Co., Inc (Lutron), a domestic producer, importer and exporter of subject merchandise, requested that Commerce conduct changed circumstances reviews (CCR) to find that it is appropriate to revoke the *Orders*, in part, with respect to certain small, low-wattage, off-grid CSPV cells, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(b).² Lutron's CCR request included a letter from American Alliance for Solar Manufacturing (the Alliance), a domestic interested party in this proceeding, in which the Alliance stated that it did not oppose the partial revocation of the *Orders* proposed by Lutron.³ No interested parties filed comments opposing the CCR request.

On October 21, 2024, we published the notice of initiation of the requested CCRs.⁴ In the *Initiation Notice*, we invited interested parties to provide comments and/or factual information regarding these CCRs, including comments on industry support and the proposed partial revocation language.⁵ We received no comments or factual information.

Scope of the Orders

The merchandise covered by these *Orders* is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.

These *Orders* cover crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including,

but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Merchandise under consideration may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, modules, laminates, panels, building-integrated modules, building integrated panels, or other finished goods kits. Such parts that otherwise meet the definition of merchandise under consideration are included in the scope of the *Orders*.

Excluded from the scope of the *Orders* are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS).

Also excluded from the scope of the *Orders* are crystalline silicon photovoltaic cells, not exceeding 10,000 mm² in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cell.

Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Additionally, excluded from the scope of the *Orders* are panels with surface area from 3,450 mm² to 33,782 mm² with one black wire and one red wire (each of type 22 AWG or 24 AWG not more than 206 mm in length when measured from panel extrusion), and not exceeding 2.9 volts, 1.1 amps, and 3.19 watts. For the purposes of this exclusion, no panel shall contain an internal battery or external computer peripheral ports.

Also excluded from the scope of the *Orders* are:

1. Off grid CSPV panels in rigid form with a glass cover, with the following characteristics:

(A) a total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm² per panel;

(C) do not include a built-in inverter;

(D) must include a permanently connected wire that terminates in either an 8 mm male barrel connector, or a two-port rectangular connector with two pins in square housings of different colors;

(E) must include visible parallel grid collector metallic wire lines every 1–4 millimeters across each solar cell; and

(F) must be in individual retail packaging (for purposes of this

¹ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 77 FR 73018 (December 7, 2012); see also *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Countervailing Duty Order*, 77 FR 73017 (December 7, 2012) (collectively, *Orders*).

² See Lutron's Letter, "Lutron Electronics Co., Inc.'s Request for Changed Circumstances Reviews and Request to Combine Initiation and Preliminary Results," dated August 28, 2024 (CCR Request).

³ *Id.* at Exhibits 2 and 3.

⁴ See *Crystalline Silicon Photovoltaic Products, Whether or Not Assembled into Modules, from the People's Republic of China: Notice of Initiation of Changed Circumstances Review, and Consideration of Revocation of the Antidumping Order in Part*, 89 FR 84114 (October 21, 2024) (*Initiation Notice*).

⁵ *Id.*, 89 FR at 84114.

provision, retail packaging typically includes graphics, the product name, its description and/or features, and foam for transport); and

2. Off grid CSPV panels without a glass cover, with the following characteristics:

(A) a total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm² per panel;

(C) do not include a built-in inverter;

(D) must include visible parallel grid collector metallic wire lines every 1–4 millimeters across each solar cell; and

(E) each panel is

1. permanently integrated into a consumer good;

2. encased in a laminated material without stitching, or

3. has all of the following characteristics: (i) the panel is encased in sewn fabric with visible stitching, (ii) includes a mesh zippered storage pocket, and (iii) includes a permanently attached wire that terminates in a female USB–A connector.

In addition, the following CSPV panels are excluded from the scope of the *Orders*:

1. Off-grid CSPV panels in rigid form with a glass cover, with each of the following physical characteristics, whether or not assembled into a fully completed off-grid hydropanel whose function is conversion of water vapor into liquid water:

(A) A total power output of no more than 80 watts per panel;

(B) A surface area of less than 5,000 cm² per panel;

(C) Do not include a built-in inverter;

(D) Do not have a frame around the edges of the panel;

(E) Include a clear glass back panel; and

(F) Must include a permanently connected wire that terminates in a two-port rectangular connector.

Modules, laminates, and panels produced in a third country from cells produced in China are covered by the *Orders*; however, modules, laminates, and panels produced in China from cells produced in a third country are not covered by the *Orders*.

Additionally excluded from the scope of these *Orders* are off-grid small portable crystalline silicon photovoltaic panels, with or without a glass cover, with the following characteristics: (1) a total power output of 200 watts or less per panel; (2) a maximum surface area of 16,000 cm² per panel; (3) no built-in inverter; (4) an integrated handle or a handle attached to the package for ease of carry; (5) one or more integrated kickstands for easy installation or angle adjustment; and (6) a wire of not less

than 3 meters either permanently connected or attached to the package that terminates in an 8mm diameter male barrel connector.

Also excluded from the scope of the *Orders* are off-grid crystalline silicon photovoltaic panels in rigid form with a glass cover, with each of the following physical characteristics, whether or not assembled into a fully completed off-grid hydropanel whose function is conversion of water vapor into liquid water:

(A) A total power output of no more than 180 watts per panel at 155 degrees Celsius;

(B) A surface area of less than 16,000 square centimeters (cm²) per panel;

(C) Include a keep-out area of approximately 1,200 cm² around the edges of the panel that does not contain solar cells;

(D) Do not include a built-in inverter;

(E) Do not have a frame around the edges of the panel;

(F) Include a clear glass back panel;

(G) Must include a permanently connected wire that terminates in a two-port rounded rectangular, sealed connector;

(H) Include a thermistor installed into the permanently connected wire before the two-port connector; and

(I) Include exposed positive and negative terminals at opposite ends of the panel, not enclosed in a junction box.

Merchandise covered by these *Orders* is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings 8501.71.0000, 8501.72.1000, 8501.72.2000, 8501.72.3000, 8501.72.9000, 8501.80.1000, 8501.80.2000, 8501.80.3000, 8501.80.9000, 8507.20.8010, 8507.20.8031, 8507.20.8041, 8507.20.8061, 8507.20.8091, 8541.42.0010, and 8541.43.0010. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the *Orders* are dispositive.⁶

Scope of the CCRs

The products subject to the proposed revocation are certain small, low-wattage, off-grid CSPV cells that are permanently attached to an aluminum extrusion that controls natural light, whether or not assembled into a fully completed automation device that controls natural light.⁷ Lutron requests that the following exclusion language be

added to the scope of the *Orders* to implement the requested revocation:

Also excluded from the scope of these investigations are off-grid CSPV panels in rigid form, with or without a glass cover, permanently attached to an aluminum extrusion that is an integral component of an automation device that controls natural light, whether or not assembled into a fully completed automation device that controls natural light, with the following characteristics:

1. A total power output of 20 watts or less per panel;

2. A maximum surface area of 1,000 cm² per panel;

3. Does not include a built-in inverter for powering third party devices.⁸

Preliminary Results of CCRs and Intent To Revoke the Orders, in Part

Pursuant to section 751(d)(1) of the Act, and 19 CFR 351.222(g), Commerce may revoke an AD or CVD order, in whole or in part, based on a review under section 751(b) of the Act (*i.e.*, a CCR). Section 751(b)(1) of the Act requires a CCR to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review. Section 782(h)(2) of the Act gives Commerce the authority to revoke an order if producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the order. Section 351.222(g) of Commerce's regulations provides that Commerce will conduct a CCR of an AD or CVD order under 19 CFR 351.216, and may revoke an order (in whole or in part), if it concludes that: (i) producers accounting for substantially all of the production of the domestic like product to which the order pertains have expressed a lack of interest in the relief provided by the order, in whole or in part; or (ii) if other changed circumstances sufficient to warrant revocation exist. Thus, both the Act and Commerce's regulations require that "substantially all" domestic producers express a lack of interest in the order for Commerce to revoke the order, in whole or in part.⁹ In its administrative practice, Commerce has interpreted "substantially all" to represent producers accounting for at least 85 percent of U.S. production of the domestic like product.¹⁰

⁶ See CCR Request at 3.

⁹ See section 782(h) of the Act; and 19 CFR 351.222(g).

¹⁰ See, e.g., *Honey from Argentina; Antidumping and Countervailing Duty Changed Circumstances Reviews; Preliminary Intent to Revoke Antidumping and Countervailing Duty Orders*, 77 FR 67790, 67791 (November 14, 2012), unchanged in *Honey from Argentina; Final Results of Antidumping and Countervailing Duty Changed Circumstances*

⁶ See *Orders*.

⁷ See *Initiation Notice*, 89 FR at 84114.

Lutron submitted a letter from the Alliance, a coalition of U.S. producers of the domestic like product, which stated that the Alliance did not oppose the changed circumstances reviews or the specific exclusion language proposed by Lutron.¹¹ In that letter, the Alliance did not indicate its share of production of the domestic like product.¹² Thus, Commerce was unable to determine, at the time that it initiated these CCRs, whether producers accounting for substantially all of the U.S. production of the domestic like product lacked interest in the *Orders* with respect to the certain small, low-wattage, off-grid CSPV cells under consideration here. As a result, Commerce did not issue a combined notice of initiation and preliminary results in these CCRs.¹³ Instead, as stated above, in the *Initiation Notice*, Commerce invited interested parties to provide comments and/or factual information regarding these CCRs, including comments on industry support and the proposed partial revocation language. No party submitted comments. Accordingly, we find that the domestic industry has expressed no opposition with respect to the proposed revocation, in part, of the *Orders*.

In light of the Alliance's statement of lack of interest in maintaining the *Orders* with respect to the certain small, low-wattage, off-grid CSPV cells described by Lutron, and in the absence of any other interested party comments addressing the issue of domestic industry support, we preliminarily conclude that producers accounting for substantially all of the production of the domestic like product to which the *Orders* pertain lack interest in the relief provided by the *Orders* with respect to the certain small, low-wattage, off-grid CSPV cells that are the subject of Lutron's CCR request. Thus, we preliminarily determine that changed circumstances warrant revocation of the *Orders*, in part, with respect to such cells. Accordingly, we are notifying the public of our intent to revoke the *Orders*, in part, with respect to the certain CSPV cells described in the "Scope of the CCRs" section above.

If we make a final determination to revoke the *Orders* in part, then Commerce will apply this determination to each order as follows. Because we have completed administrative reviews of the *Orders*, the partial revocation will

be retroactively applied to unliquidated entries of merchandise subject to the CCRs that were entered or withdrawn from warehouse, for consumption, on or after the day following the last day of the period covered by the most recently completed administrative reviews of the *Orders*, and which are not covered by automatic liquidation.

Public Comment

In accordance with 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than five days after the case briefs, in accordance with 19 CFR 351.309(d).¹⁴

Interested parties who submit case or rebuttal briefs must submit: (1) a table of contents listing each issue discussed in the brief; and (2) a table of authorities.¹⁵ 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 review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs. 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 results in this review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue.

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, filed electronically via ACCESS, within 30 days of publication of this notice. Requests should contain the following information: (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 issues to be discussed. If a request for a hearing is

made, Commerce will inform parties of the date and time for the hearing.

All submissions are to be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day it is due. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁶

Final Results of the CCRs

Commerce will issue the final results of these CCRs, which will include its analysis of any written comments, no later than 270 days after the date on which these reviews were initiated.¹⁷ If, in the final results of these reviews, Commerce continues to determine that changed circumstances warrant the revocation of the *Orders*, in part, we will instruct U.S. Customs and Border Protection (CBP) to liquidate without regard to ADs or CVDs, and to refund any estimated ADs and CVDs deposited on all unliquidated entries of the merchandise covered by the revocation that are not covered by the final results of an administrative review or an automatic liquidation instruction to CBP. The current requirement for cash deposits of estimated ADs and CVDs on all entries of subject merchandise will continue unless they are modified pursuant to the final results of these changed CCRs.

Notification to Interested Parties

These preliminary results of these reviews and this notice are published in accordance with sections 751(b) and 777(i) of the Act, and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222.

Dated: April 16, 2025.

Christopher Abbott,

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

[FR Doc. 2025-06931 Filed 4-22-25; 8:45 am]

BILLING CODE 3510-DS-P

Reviews; Revocation of Antidumping and Countervailing Duty Orders, 77 FR 77029 (December 31, 2012).

¹¹ See CCR Request at Exhibit 7.

¹² *Id.*; see also *Initiation Notice*.

¹³ See *Initiation Notice*.

¹⁴ See *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*).

¹⁵ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁶ See *APO and Service Final Rule*.

¹⁷ See 19 CFR 351.216(e).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–921, A–583–879]

Certain Monomers and Oligomers From the Republic of Korea and Taiwan: Initiation of Less-Than-Fair-Value Investigations

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

DATES: Applicable April 16, 2025.

FOR FURTHER INFORMATION CONTACT: Peter Shaw (the Republic of Korea (Korea)) and Jaron Moore (Taiwan), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0697 and (202) 482–3640, respectively.

SUPPLEMENTARY INFORMATION:

The Petitions

On March 27, 2025, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of certain monomers and oligomers (monomers and oligomers) from Korea and Taiwan filed in proper form on behalf of Arkema, Inc. (the petitioner), a domestic producer of monomers and oligomers.¹ The AD Petitions were accompanied by a countervailing duty (CVD) petition concerning imports of monomers and oligomers from Taiwan.²

Between March 31 and April 8, 2025, Commerce requested supplemental information pertaining to certain aspects of the Petitions in supplemental questionnaires.³ On April 4 and 11, 2025, the petitioner filed timely responses to these requests for additional information.⁴

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports

of monomers and oligomers from Korea and Taiwan are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the monomers and oligomers industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions were accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested LTFV investigations.⁵

Period of Investigations (POI)

Because the Petitions were filed on March 27, 2025, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) for the Korea and Taiwan LTFV investigations is January 1, 2024, through December 31, 2024.

Scope of the Investigations

The products covered by these investigations are monomers and oligomers from Korea and Taiwan. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

On March 31 and April 8, 2025, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.⁶ Between March 31 and April 11, 2025, the petitioner provided clarifications and revised the scope.⁷ The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to

raise issues regarding product coverage (*i.e.*, scope).⁸ Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,⁹ all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on May 6, 2025, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on May 16, 2025, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent LTFV and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹⁰ An electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of monomers and oligomers to be reported in response to Commerce's AD

¹ See Petitioner's Letter, "Petition for the Imposition of Antidumping and Countervailing Duties," dated March 27, 2025 (Petitions).

² *Id.*

³ See Commerce's Letters, "Supplemental Questions," dated March 31, 2025 (First General Issues Questionnaire) and Country-Specific Supplemental Questionnaires: Korea Supplemental and Taiwan Supplemental, dated April 1, 2025; *see also* Memorandum, "Phone Call with Counsel to the Petitioner," dated April 8, 2025 (April 8 Memorandum).

⁴ See Petitioner's Letters, "Response to General Issues and Injury Supplemental Questions," dated April 4, 2025 (First General Issues Supplement); *see also* Country-Specific AD Supplemental Responses: Korea AD Supplement and Taiwan AD Supplement, dated April 4, 2025; and "Response to Supplemental Questions," dated April 11, 2025 (Second General Issues Supplement).

⁵ See section on "Determination of Industry Support for the Petitions," *infra*.

⁶ See First General Issues Questionnaire; *see also* April 8 Memorandum.

⁷ See First General Issues Supplement at 9–11 and Exhibits Supp–I–2 and Supp–I–3; *see also* Second General Issues Supplement at 1–6 and Exhibits Supp2–I–1 through Supp2–I–3. On March 31, 2025, the petitioner also filed an amendment containing technical modifications to the scope in the Petitions. See Petitioner's Letter, "Amendment to Petition," dated March 31, 2025.

⁸ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

⁹ See 19 CFR 351.102(b)(21) (defining "factual information").

¹⁰ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); *see also* *Enforcement and Compliance: Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.

questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant cost of production (COP) accurately, as well as to develop appropriate product comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) general product characteristics; and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe monomers and oligomers, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5 p.m. ET on May 6, 2025, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5 p.m. ET on May 16, 2025, which is 10 calendar days from the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of the each of the LTFV investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing

support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the “industry.”

Section 771(4)(A) of the Act defines the “industry” as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,¹¹ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹²

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations.¹³ Based on our analysis of the information submitted on the record, we have determined that monomers and oligomers, as defined in

the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁴

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the “Scope of the Investigations,” in the appendix to this notice. To establish industry support, the petitioner provided its own 2024 production and compared this to the estimated total production of the domestic like product for the entire domestic industry.¹⁵ We relied on data provided by the petitioner for purposes of measuring industry support.¹⁶

Our review of the data provided in the Petitions, the First General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petitions.¹⁷ First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (e.g., polling).¹⁸ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.¹⁹ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to,

¹⁴ For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, see Checklists, “Antidumping Duty Investigation Initiation Checklists: Certain Monomers and Oligomers from the Republic of Korea and Taiwan,” dated concurrently with, and hereby adopted by, this notice (Country-Specific AD Initiation Checklists), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Monomers and Oligomers from the Republic of Korea and Taiwan (Attachment II). These checklists are on file electronically via ACCESS.

¹⁵ For further discussion, see Attachment II of the Country-Specific AD Initiation Checklists.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*; see also section 732(c)(4)(D) of the Act.

¹⁹ See Attachment II of the Country-Specific AD Initiation Checklists.

¹¹ See section 771(10) of the Act.

¹² See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff’d* 865 F.2d 240 (Fed. Cir. 1989)).

¹³ See Petitions at Volume I (pages I–10 through I–12); see also First General Issues Supplement at 12–17 and Exhibit I–Supp–7; and Second General Issues Supplement at 6–7.

the Petitions.²⁰ Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.²¹

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.²²

The petitioner contends that the industry's injured condition is illustrated by a significant volume of subject imports; reduced market share; underselling and price depression and/or suppression; declines in production, capacity, capacity utilization, and U.S. shipments; declines in profitability, operating income, net income, cash flow, return on assets, capital expenditures, and research and development expenditures; and lost sales and revenues.²³ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, cumulation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.²⁴

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate LTFV investigations of imports of monomers and oligomers from Korea and Taiwan. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the Country-Specific AD Initiation Checklists.

U.S. Price

For Korea and Taiwan, the petitioner based export price (EP) on transaction-specific average unit values (AUVs) (*i.e.*, month-and port-specific AUVs) derived from official import statistics and ship

manifest data.²⁵ The petitioner made certain adjustments to U.S. price to calculate a net ex-factory U.S. price, where applicable.²⁶

Normal Value²⁷

For Korea and Taiwan, the petitioner stated that it was unable to obtain home market or third-country pricing information for monomers and oligomers in Korea or Taiwan to use as a basis for NV.²⁸ Therefore, for Korea and Taiwan, the petitioner based NV based on CV. For further discussion of CV, *see* the section "Normal Value Based on Constructed Value."

Normal Value Based on Constructed Value

As noted above for Korea and Taiwan, the petitioner stated that it was unable to obtain home market or third-country prices for monomers and oligomers to use as a basis for NV. Therefore, for Korea and Taiwan, the petitioner calculated NV based on CV.²⁹

Pursuant to section 773(e) of the Act, the petitioner calculated CV as the sum of the cost of manufacturing, SG&A expenses, financial expenses, and profit.³⁰ For Korea and Taiwan, in calculating the cost of manufacturing, the petitioner relied on its own production experience and input consumption rates for monomers and oligomers, valued using publicly available information applicable to Korea and Taiwan.³¹ For calculating SG&A expenses, financial expenses, and profit ratios, the petitioner relied on the 2023 and 2024 financial statements of a producer of identical merchandise domiciled in Taiwan and Korea, respectively.³²

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of monomers and oligomers from Korea and Taiwan are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for monomers and oligomers from each of the countries covered by

this initiation are as follows: (1) Korea—137.84 to 188.01 percent; (2) and Taiwan—112.81 to 286.12 percent.³³

Initiation of LTFV Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating LTFV investigations to determine whether imports of monomers and oligomers from Korea and Taiwan are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of these initiations.

Respondent Selection

In the Petitions, the petitioner identified eight companies in Korea and seven companies in Taiwan as producers and/or exporters of monomers and oligomers.³⁴

Following standard practice in LTFV investigations involving market economy countries, in the event Commerce determines that the number of companies is large, and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheading(s) listed in the "Scope of the Investigations," in the appendix.

On April 15, 2025, Commerce released CBP data on imports of monomers and oligomers from Korea and Taiwan under administrative protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on CBP data and/or respondent selection must do so within three business days of the publication date of the notice of initiation of these investigations.³⁵ Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5 p.m. ET on the specified deadline. Commerce will not accept rebuttal comments

²⁵ *See* Country-Specific AD Initiation Checklists.

²⁶ *Id.*

²⁷ In accordance with section 773(b)(2) of the Act, for these investigations, Commerce will request information necessary to calculate the constructed value (CV) and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

²⁸ *See* Country-Specific AD Initiation Checklists.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *See* Petitions at Volume I (pages I-8 and I-9 and Exhibits I-6 and I-7); *see also* First General Issues Supplement at 8 and Exhibit Supp-I-1.

³⁵ *See* Country-Specific Memoranda, "Release of U.S. Customs and Border Protection Entry Data," dated April 15, 2025.

²⁰ *Id.*

²¹ *Id.*

²² For further discussion, *see* Country-Specific AD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Monomers and Oligomers from the Republic of Korea and Taiwan.

²³ *Id.*

²⁴ *Id.*

regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at <https://www.trade.gov/administrative-protective-orders>.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petitions has been provided to the governments of Korea and Taiwan via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of monomers and oligomers from Korea and/or Taiwan are materially injuring, or threatening material injury to, a U.S. industry.³⁶ A negative ITC determination for any country will result in the investigation being terminated with respect to that country.³⁷ Otherwise, these LTFV investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted³⁸ and, if the information is submitted to rebut, clarify, or correct factual information

already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.³⁹ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV, stating that “if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.” When an interested party submits a PMS allegation pursuant to section 773(e) of the Act (*i.e.*, a cost-based PMS allegation), the submission must be filed in accordance with the requirements of 19 CFR 351.416(b), and Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a cost-based PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act, nor 19 CFR 351.301(c)(2)(v), sets a deadline for the submission of cost-based PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a cost-based PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent's initial section D questionnaire response.

We note that a PMS allegation filed pursuant to sections 773(a)(1)(B)(ii)(III) or 773(a)(1)(C)(iii) of the Act (*i.e.*, a sales-based PMS allegation) must be filed within 10 days of submission of a respondent's initial section B questionnaire response, in accordance with 19 CFR 351.301(c)(2)(i) and 19 CFR 351.404(c)(2).

³⁹ See 19 CFR 351.301(b)(2).

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.⁴⁰ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.⁴¹

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.⁴² Parties must use the certification formats provided in 19 CFR 351.303(g).⁴³ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

⁴⁰ See 19 CFR 351.301; see also *Extension of Time Limits: Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

⁴¹ See 19 CFR 351.302; see also, *e.g.*, *Time Limits Final Rule*.

⁴² See section 782(b) of the Act.

⁴³ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Additional information regarding the *Final Rule* is available at <https://access.trade.gov/Resources/filing/index.html>.

³⁶ See section 733(a) of the Act.

³⁷ *Id.*

³⁸ See 19 CFR 351.301(b).

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letter of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁴⁴

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: April 16, 2025.
Christopher Abbott,
Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The products subject to these investigations are certain multifunctional

acrylate and methacrylate monomers, and acrylated bisphenol-A epoxy based oligomers (collectively, certain monomers and oligomers or CMOs) that are derived from chemical reactions involving the use of acrylic or methacrylic acid. Products within the scope are listed below and have the following Chemical Abstracts Service (CAS) numbers:

CAS No.	Description	Molecular formula
109–16–0	Triethylene glycol dimethacrylate (TEGDMA)	C ₁₄ H ₂₂ O ₆ .
13048–33–4	1,6-hexanediol diacrylate (HDDA)	C ₁₂ H ₁₈ O ₄ .
42978–66–5	Tripropylene glycol diacrylate (TPGDA)	C ₁₅ H ₂₄ O ₆ .
3290–92–4	Trimethylolpropane trimethacrylate (TMPTMA)	C ₁₈ H ₂₆ O ₆ .
15625–89–5	Trimethylolpropane triacrylate (TMPTA)	C ₁₅ H ₂₀ O ₆ .
28961–43–5	Ethoxylated trimethylol-propane triacrylate (EOTMPTA)	(C ₂ H ₄ O) _n (C ₂ H ₄ O) _n (C ₂ H ₄ O) _n C ₁₅ H ₂₀ O ₆ .
57472–68–1	Dipropylene glycol diacrylate (DPGDA)	C ₁₂ H ₁₈ O ₅ .
55818–57–0	Bisphenol-A-epichlorohydrin copolymer acrylate (EPOXY ACRY-LATE).	(C ₁₅ H ₁₆ O ₂ ·C ₃ H ₅ ClO) _x ·xC ₃ H ₄ O ₂ .

The monomers are generally known as multifunctional acrylates (MFAs) or multifunctional methacrylates (MFMA) depending on whether the functional groups are acrylate or methacrylate. The monomers generally contain stabilizers/inhibitors, which include but are not limited to Hydroquinone, Methyl Hydroquinone, and Butylated Hydroxy Toluene. The monomers are either difunctional or trifunctional (having 2 or 3 functional groups/molecule), have viscosities of 9 to 15 centipoise (cPs) at 25 degrees Celsius (if difunctional) or 44 to 110 cPs at 25 degrees Celsius (if trifunctional), have (meth) acrylate equivalent weights (molecular weight per number of functional groups) between 99 and 158 and molecular weights between 226 and 472 grams per mol.

The acrylated bisphenol-A epoxy based oligomer is commonly referred to as epoxy acrylate or acrylated epoxy. In contrast to epoxy resin, the main characteristic of the epoxy acrylate oligomer is that it contains acrylate functional groups which make them curable by free-radical polymerization. The epoxy acrylate has a molecular weight between 508 to 536 grams per mol and a viscosity of 2400 to 3600 cPs at 65 degrees Celsius. The epoxy acrylate generally contains stabilizers/inhibitors, which include but are not limited to Hydroquinone, Methyl Hydroquinone, and Butylated Hydroxy Toluene.

Certain monomers and oligomers are subject to the scope even if an in-scope monomer or oligomer is blended or mixed with one or more other in-scope monomers or oligomers.

Certain monomers and oligomers in any blend or mixture are also subject to the scope, so long as the blend or mixture contains no less than 20 percent by weight of in-scope CMOs.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing, or removing ingredients, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the subject country.

The scope also includes CMOs that are commingled, mixed or blended with in-scope product from sources not subject to these investigations.

Only the subject component(s) of such blends, mixtures or commingled products described above is covered by the scope of these investigations. Subject merchandise contained in a blended, mixed or commingled product described above will not have undergone a chemical reaction as a result of being blended, mixed or commingled.

Notwithstanding the above, specifically excluded from the scope are downstream products, including but not limited to, inks, coatings and overprint varnishes. For purposes of this exclusion, the downstream product requires only the application of energy to be cured, e.g., inks or varnish applied to packaging, coatings applied to wood flooring, etc. The energy source required to cure the downstream product to its substrate can be thermal, ultraviolet radiation, visible light, electron beam radiation, or infrared radiation.

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2916.12.5050, 2916.14.2050, 3824.99.2900, 3907.29.0000 and 3907.30.0000. Subject merchandise may also be entered under subheadings 2916.12.1000 and 3824.99.9397. The HTSUS subheadings and CAS registry numbers are provided for convenience and

customs purposes only; the written description of the scope is dispositive.

[FR Doc. 2025–06933 Filed 4–22–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–853]

Crystalline Silicon Photovoltaic Products, Whether or Not Assembled Into Modules, From Taiwan: Preliminary Results of Changed Circumstances Review, and Intent To Revoke the Antidumping Order, in Part

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily intends to revoke, in part, the antidumping duty (AD) order on crystalline silicon photovoltaic products, whether or not assembled into modules (solar products), from Taiwan with respect to certain small, low-wattage, off-grid certain small, low-wattage, off-grid (CSPV) cells as described below. Interested parties are invited to comment on these preliminary results.

DATES: Applicable April 23, 2025.

FOR FURTHER INFORMATION CONTACT: Samantha Biondo, Office of Policy, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401

⁴⁴ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and*

Countervailing Duty Proceedings, 88 FR 67069 (September 29, 2023).

Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-6358.

SUPPLEMENTARY INFORMATION:

Background

On February 18, 2015, Commerce published the AD order on solar products from Taiwan.¹ On August 28, 2024, Lutron Electronics Co., Inc. (Lutron), a domestic producer, importer and exporter of subject merchandise, requested that Commerce conduct a changed circumstances review (CCR) to find that it is appropriate to revoke the *Order*, in part, with respect to certain small, low-wattage, off-grid certain small, low-wattage, off-grid (CSPV) cells pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(b).² Lutron's CCR request included a letter from the American Alliance for Solar Manufacturing (the Alliance), a domestic interested party in this proceeding, which stated that the Alliance did not oppose the partial revocation of the *Order* proposed by Lutron.³ No interested parties filed comments opposing the CCR request.

On October 21, 2024, we published the notice of initiation of the requested CCR.⁴ In the *Initiation Notice*, we invited interested parties to provide comments and/or factual information regarding the CCR, including comments on industry support and the proposed partial revocation language.⁵ We received no comments or factual information.

Scope of the Order

The merchandise covered by the *Order* is crystalline silicon photovoltaic cells, and modules, laminates, and/or panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials.

Subject merchandise includes crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing,

including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Modules, laminates, and panels produced in a third-country from cells produced in Taiwan are covered by the *Order*. However, modules, laminates, and panels produced in Taiwan from cells produced in a third-country are not covered by the *Order*.

Excluded from the scope of the *Order* are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS). Also excluded from the scope of the *Order* are crystalline silicon photovoltaic cells, not exceeding 10,000mm² in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cells. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Further, also excluded from the scope of the *Order* are any products covered by the existing antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China (PRC).⁶

Also excluded from the scope of the *Order* are modules, laminates, and panels produced in the PRC from crystalline silicon photovoltaic cells produced in Taiwan that are covered by an existing proceeding on such modules, laminates, and panels from the PRC.

Additionally, excluded from the scope of the *Order* are solar panels that are: (1) less than 300,000mm² in surface area; (2) less than 27.1 watts in power; (3) coated across their entire surface with a polyurethane doming resin; and (4) joined to a battery charging and maintaining unit (which is an acrylonitrile butadiene styrene (ABS) box that incorporates a light emitting diode (LED) by coated wires that

include a connector to permit the incorporation of an extension cable. The battery charging and maintaining unit utilizes high-frequency triangular pulse waveforms designed to maintain and extend the life of batteries through the reduction of lead sulfate crystals. The above-described battery charging and maintaining unit is currently available under the registered trademark "SolarPulse."

Merchandise covered by the *Order* is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030, and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the *Order* is dispositive.⁷

Scope of the CCR

The products subject to the proposed revocation are certain small, low-wattage, off-grid CSPV cells that are permanently attached to an aluminum extrusion that controls natural light, whether or not assembled into a fully completed automation device that controls natural light.⁸ Lutron requests that the following language be added to the scope of the *Order* to implement the requested revocation:

Also excluded from the scope of these investigations are off-grid CSPV panels in rigid form, with or without a glass cover, permanently attached to an aluminum extrusion that is an integral component of an automation device that controls natural light, whether or not assembled into a fully completed automation device that controls natural light, with the following characteristics:

1. A total power output of 20 watts or less per panel;
2. A maximum surface area of 1,000 cm² per panel;
3. Does not include a built-in inverter for powering third party devices.⁹

Preliminary Results of CCRs and Intent To Revoke the Order, in Part

Pursuant to section 751(d)(1) of the Act, and 19 CFR 351.222(g), Commerce may revoke an AD or CVD order, in whole or in part, based on a review under section 751(b) of the Act (*i.e.*, a CCR). Section 751(b)(1) of the Act requires a CCR to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review. Section 782(h)(2) of the Act gives Commerce the authority to

¹ See *Certain Crystalline Silicon Photovoltaic Products from Taiwan: Antidumping Duty Order*, 80 FR 8596 (February 18, 2015) (*Order*).

² See Lutron's Letter, "Lutron Electronics Co., Inc.'s Request for Changed Circumstances Reviews and Request to Combine Initiation and Preliminary Results," dated August 28, 2024 (CCR Request).

³ *Id.* at Exhibits 2 and 3.

⁴ See *Crystalline Silicon Photovoltaic Products, Whether or Not Assembled into Modules, from the People's Republic of Taiwan: Notice of Initiation of Changed Circumstances Review, and Consideration of Revocation of the Antidumping Order in Part*, 89 FR 84118 (October 21, 2024) (*Initiation Notice*).

⁵ *Id.*, 89 FR at 84118.

⁶ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 77 FR 73018 (December 7, 2012); see also *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Countervailing Duty Order*, 77 FR 73017 (December 7, 2012).

⁷ See *Order*.

⁸ See *Initiation Notice*, 89 FR at 84119.

⁹ See CCR Request at Exhibit 1.

revoke an order if producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the order. Section 351.222(g) of Commerce's regulations provides that Commerce will conduct a CCR of an AD or CVD order under 19 CFR 351.216, and may revoke an order (in whole or in part), if it concludes that: (i) producers accounting for substantially all of the production of the domestic like product to which the order pertains have expressed a lack of interest in the relief provided by the order, in whole or in part; or (ii) if other changed circumstances sufficient to warrant revocation exist. Thus, both the Act and Commerce's regulations require that "substantially all" domestic producers express a lack of interest in the order for Commerce to revoke the order, in whole or in part.¹⁰ In its administrative practice, Commerce has interpreted "substantially all" to represent producers accounting for at least 85 percent of U.S. production of the domestic like product.¹¹

Lutron submitted a letter from the Alliance, a coalition of U.S. producers of the domestic like product, which stated that the Alliance did not oppose the partial revocation of the *Order* proposed by Lutron.¹² In that letter, the Alliance did not indicate its share of production of the domestic like product.¹³ Thus, Commerce was unable to determine, at the time that it initiated this CCR, whether producers accounting for substantially all of the U.S. production of the domestic like product lacked interest in the *Order* with respect to certain small, low-wattage, off-grid CSPV cells. As a result, Commerce did not issue a combined notice of initiation and preliminary results in this CCR.¹⁴ Instead, as stated above, in the *Initiation Notice*, Commerce invited interested parties to provide comments and/or factual information regarding the CCR, including comments on industry support and the proposed partial revocation language. No party submitted comments. Accordingly, we find that the domestic industry has expressed no

opposition with respect to the proposed revocation, in part, of the *Order*.

In light of the Alliance's statement of lack of interest in maintaining the *Order* with respect to certain small, low-wattage, off-grid CSPV cells described by Lutron, and in the absence of any other interested party comments addressing the issue of domestic industry support, we preliminarily conclude that producers accounting for substantially all of the production of the domestic like product to which the *Order* pertain lack interest in the relief provided by the *Order* with respect to certain small, low-wattage, off-grid CSPV cells that are the subject of Lutron's CCR request. Thus, we preliminarily determine that changed circumstances warrant revocation of the *Order*, in part, with respect to certain small, low-wattage, off-grid CSPV cells that are the subject of Lutron's CCR request. Accordingly, we are notifying the public of our intent to revoke the *Order*, in part, with respect to certain small, low-wattage, off-grid CSPV cells described in the "Scope of the CCR" section above.

If we make a final determination to revoke the *Order*, in part, then Commerce will apply this determination to the order as follows. Because we have completed administrative reviews of the *Order*, the partial revocation will be retroactively applied to unliquidated entries of merchandise subject to the CCR that were entered or withdrawn from warehouse, for consumption, on or after the day following the last day of the period covered by the most recently completed administrative reviews of the *Order*, and which are not covered by automatic liquidation.

Public Comment

In accordance with 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than five days after the case briefs, in accordance with 19 CFR 351.309(d).¹⁵

Interested parties who submit case or rebuttal briefs must submit: (1) a table of contents listing each issue discussed in the brief; and (2) a table of authorities.¹⁶ 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. 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 results in this review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue.

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, filed electronically via ACCESS, within 30 days of publication of this notice. Requests should contain the following information: (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 issues to be discussed. If a request for a hearing is made, Commerce will inform parties of the date and time for the hearing.

All submissions are to be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day it is due.¹⁷ Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁸

Final Results of the CCR

Commerce will issue the final results of the CCR, which will include its analysis of any written comments, no later than 270 days after the date on which these reviews were initiated.¹⁹ If, in the final results of these reviews, Commerce continues to determine that changed circumstances warrant the revocation of the *Order*, in part, we will instruct U.S. Customs and Border Protection (CBP) to liquidate without regard to ADs, and to refund any estimated ADs deposited on all unliquidated entries of the merchandise covered by the revocation that are not covered by the final results of an administrative review or an automatic liquidation instruction to CBP. The current requirement for cash deposits of estimated ADs on all entries of subject merchandise will continue unless they

¹⁰ See section 782(h) of the Act; and 19 CFR 351.222(g).

¹¹ See, e.g., *Honey from Argentina; Antidumping and Countervailing Duty Changed Circumstances Reviews; Preliminary Intent to Revoke Antidumping and Countervailing Duty Orders*, 77 FR 67790, 67791 (November 14, 2012), unchanged in *Honey from Argentina; Final Results of Antidumping and Countervailing Duty Changed Circumstances Reviews; Revocation of Antidumping and Countervailing Duty Orders*, 77 FR 77029 (December 31, 2012).

¹² See CCR Request at Exhibit 2.

¹³ *Id.*

¹⁴ See *Initiation Notice*.

¹⁵ 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*).

¹⁶ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁷ See 19 CFR 351.303(b).

¹⁸ See *APO and Final Service Rule*.

¹⁹ See 19 CFR 351.216(e).

are modified pursuant to the final results of the changed CCR.

Notification to Interested Parties

These preliminary results of these reviews and this notice are published in accordance with sections 751(b) and 777(i) of the Act, and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222.

Dated: April 16, 2025.

Christopher Abbott,

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

[FR Doc. 2025-06932 Filed 4-22-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE717]

Draft Aquaculture Opportunity Area Options—Alaska State Waters

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

ACTION: Notice of availability; request for comments.

SUMMARY: NOAA's National Centers for Coastal Ocean Science (NCCOS) collaborated with NOAA NMFS to initiate a marine spatial planning study to identify draft Aquaculture Opportunity Area (AOA) Options within State waters of southeast, southcentral, and southwest Alaska as part of the AOA identification process. An AOA is a defined geographic area that has been evaluated to determine its potential suitability for commercial aquaculture. NOAA is identifying AOAs as directed by Executive Order, "Promoting American Seafood Competitiveness and Economic Growth" (May 7, 2020). This notice invites public comment on the preliminary results of the marine spatial planning study including the identification of draft AOA Options in Alaska State waters. NMFS will consider information received in response to this notice when finalizing the results of the marine spatial planning study, and may or may not identify AOAs after further public participation and review under the National Environmental Policy Act (NEPA).

DATES: Submit your comments on the marine spatial planning study and draft

AOA Options by May 23, 2025. Late submissions may not be considered. NMFS and NCCOS will hold two virtual listening sessions for the collection of oral comments at the following dates and times (see **ADDRESSES** section for the link to register):

1. Thursday, May 8, 2025, 2 p.m. to 4 p.m. (Alaska Time).

2. Friday, May 16, 2025, 9 a.m. to 11 a.m. (Alaska Time).

ADDRESSES: This document is available on the NMFS Alaska Region website at: <https://www.fisheries.noaa.gov/action/notice-availability-alaska-draft-aquaculture-opportunity-area-options> and at <https://www.regulations.gov> by entering docket number "NOAA-NMFS-2023-0113" in the Search bar.

You may submit written comments on this document, identified by NOAA-NMFS-2023-0113, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and type NOAA-NMFS-2023-0113 in the Search box. Click on the "Comment" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Jon Kurland, Regional Administrator, NMFS, Attn: Records Office, P.O. Box 21668, Juneau, AK 99802-1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., names, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

Registration for the virtual listening sessions may be completed here: <https://www.fisheries.noaa.gov/action/notice-availability-alaska-draft-aquaculture-opportunity-area-options>. The meetings are open to the public and free to attend.

FOR FURTHER INFORMATION CONTACT:

Alicia Bishop, 323-366-5659, alicia.bishop@noaa.gov.

SUPPLEMENTARY INFORMATION:

Directives

NOAA is identifying AOAs as directed by Executive Order 13921 (E.O. 13921), "Promoting American Seafood Competitiveness and Economic

Growth" (May 7, 2020). Identifying AOAs under E.O. 13921 is also consistent with directives in the National Aquaculture Act of 1980 (16 U.S.C. 2801 *et seq.*) and the NOAA Marine Aquaculture Policy (2011), for NOAA to facilitate sustainable aquaculture in the United States. Identifying AOAs is a non-regulatory planning effort.

Purpose

An AOA is a defined geographic area that NOAA has evaluated through both spatial analysis and the programmatic NEPA process and may be environmentally, socially, and economically appropriate to support multiple commercial aquaculture operations. This notice presents the preliminary results of a marine spatial planning study developed by NCCOS and informed by NMFS and the State of Alaska, collectively referred to as the Gulf of Alaska AOA Siting Team, and invites public comment on the draft AOA Options within the southeast, southcentral, and southwest study areas in Alaska State waters as described in the study. The preliminary results of the marine spatial planning study used a scoring and ranking process to narrow the results to 97 draft AOA Options that have high relative suitability scores. In Alaska, the draft AOA Options include areas:

- Up to 4,000 acres per study area for subtidal shellfish and seaweed aquaculture; and

- Up to 100 acres per study area for intertidal shellfish aquaculture.

All draft AOA Options occur within Alaska State waters (less than 3 nautical miles from shore) up to 61 meters (200 feet) in depth, and meet aquaculture species environmental tolerances and gear thresholds as detailed in the marine spatial planning study. The draft NMFS/NCCOS marine spatial planning study, An Aquaculture Opportunity Analysis for the Gulf of Alaska (available at <https://coastalscience.noaa.gov/data-reports/aquaculture-opportunity-analysis-gulf-of-alaska>) summarizes the methods and analysis used to develop the draft AOA Options and related suitability modeling efforts. This marine spatial planning study does not reflect any agency decision on the location of an AOA or foreclose the agency's ability to evaluate alternate locations. The information within this marine spatial planning study will be used as one source to assist the agency in identifying AOA alternatives that may be evaluated in a draft PEIS, and ultimately, in identifying AOAs. This marine spatial planning study was developed for the specific purpose of preliminarily

identifying locations that might be suitable for locating AOAs and includes limitations specific to that purpose.

Neither the draft AOA Options, nor the AOAs, if any are identified, are pre-permitted sites. Aquaculture can occur within or outside of these areas and each project will be required to comply with all applicable Federal and State laws and regulations regardless of location.

Requested Information From Interested or Affected Parties

Commenters should be as specific and detailed as possible to help NMFS understand and address comments, including whether your comment pertains to a particular part of the Alaska marine spatial planning study. NMFS recognizes that some information requested below may be considered privileged or confidential, or contain information about historical resources. If you determine that the information you wish to submit may fall under these categories, please do not submit comments via *regulations.gov*, rather contact the agency (contact alicia.bishop@noaa.gov) to discuss options for submission. All submissions to *regulations.gov* will be considered public.

NMFS requests comments regarding the following conditions, feasibility, and historic or current activities within or around the Alaska Draft AOA Options:

1. Is there any additional information not included in the marine spatial planning study for one or more of the draft AOA Options that could limit their relative economic and technical suitability? For example:

- Are there additional thresholds that should be applied to finalize Alaska draft AOA Options, such as, but not limited to: a maximum distance from port or shore and/or minimum/maximum water depth?

- Are the Alaska draft AOA Options in areas where water quality and biotoxin samples can be collected and transported to the Alaska Department of Environmental Conservation's Environmental Health Lab in Anchorage within the minimum time frames required?

- Are there specific environmental conditions or other factors that may limit farm access, the number of practical harvest days, gear deployment, or general viability, etc. that have not been considered?

2. Are there geological, geophysical, biological, or bathymetric conditions associated with any of the Alaska draft AOA Options that are not documented in the marine spatial planning study which may impact a site's viability for

aquaculture development? For example, do any of the sites contain seafloor features that would restrict anchoring gear?

3. Is there any additional information not documented in the marine spatial planning study regarding the identification of historic properties, or archaeological and cultural resource sites on the seabed or shoreline overlapping with the Alaska draft AOA Options? This includes potential nearshore and coastal archaeological sites or other historic properties within the areas described in this notice and onshore historic properties, Traditional Cultural Places, or cultural resource sites not documented in the marine spatial planning study that may impact a site's viability for aquaculture development (contact alicia.bishop@noaa.gov for options on how to submit privileged, confidential, or historical resources information).

4. Is there any additional existing spatial information not included in the marine spatial planning study about potentially conflicting uses of one or more of the Alaska draft AOA Options, including navigation (commercial shipping and recreational vessel use), fisheries (commercial, recreational, and subsistence), habitat, protected species, or other potential conflicts (contact alicia.bishop@noaa.gov for options on how to submit privileged, confidential, or historical resources information)?

5. Is there other relevant socioeconomic, cultural, biological, and/or environmental spatial data and information not documented in the marine spatial planning study?

Responses to this request are voluntary. Respondents need not reply to all questions.

Accessing Documents

Electronic copies of the marine spatial planning study *An Aquaculture Opportunity Analysis for the Gulf of Alaska* prepared for this action are available from <https://www.regulations.gov> or from the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/action/notice-availability-alaska-draft-aquaculture-opportunity-area-options>.

Authority: E.O. 13921.

Date: April 8, 2025.

Danielle Blacklock,

Director, Office of Aquaculture, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2025-07029 Filed 4-22-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Executive Order 14251 Certification

AGENCY: Department of Defense (DoD).

ACTION: Notice of certification.

SUMMARY: The notice announces publication of the certification from the Secretary of Defense to the President that the provisions of the Federal Service Labor Management Relations Statute can be applied to the subdivisions listed in the **SUPPLEMENTARY INFORMATION** section in a manner consistent with national security requirements and consideration.

FOR FURTHER INFORMATION CONTACT: Tim Dill, (703) 697-2121.

SUPPLEMENTARY INFORMATION: I specifically concur with the President's determinations as set forth in Executive Order 14251, Section 1(b). Specifically, I agree that the Department of Defense has as a primary function national security work, and the requirements of Chapter 71 of title 5 cannot be applied to its operations consistent with national security requirements and considerations.

Pursuant to section 1-499 of Executive Order 14251, *Exclusions from Federal Labor Management Relations Programs*, dated March 27, 2025, I hereby determine and certify to the President of the United States that the provisions of the Federal Service Labor-Management Relations Statute can be applied to the following federal wage system employees in the trades at the following DoD component subdivisions in a manner consistent with national security requirements and considerations.

(a) Letterkenny Munition Center, US Army Aviation and Missile Command, United States Army.

(b) Air Force Test Center, Air Force Materiel Command, Department of Air Force.

(c) Air Force Sustainment Center, Air Force Materiel Command, Department of Air Force.

(d) Fleet Readiness Center Southeast.

This determination and certification shall be transmitted to the President of the United States and published in the **Federal Register**.

Signing Authority

Pete Hegseth, Secretary of Defense, approved this document on April 17, 2025, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Defense.

Dated: April 17, 2025.

Jules W. Hurst III,

Deputy Assistant Secretary of Defense for Force Readiness, Performing the Duties of the Assistant Secretary of Defense for Readiness, Performing the Duties of the Under Secretary of Defense for Personnel and Readiness.

[FR Doc. 2025-07054 Filed 4-22-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[COE-2024-0004]

Thomas R. Carper Water Resources Development Act of 2024; Notice of Comment Period Extension

AGENCY: U.S. Army Corps of Engineers, Department of the Army, Department of Defense.

ACTION: Request for comments; extension of comment period.

SUMMARY: On February 27, 2025, the Office of the Assistant Secretary of the Army for Civil Works (OASA(CW)) published a notice in the **Federal Register** seeking public comment on any provisions in the Thomas R. Carper Water Resources Development Act (WRDA) of 2024. The OASA(CW) invited the public to submit written comments on the development and issuance of guidance to implement WRDA 2024 during a 60-day public comment period ending on April 28, 2025. Due to an outage with the General Services Administration eRulemaking services from April 25 through April 28, 2025, the OASA(CW) is extending the public comment period by 2 days.

DATES: The comment period for the notice published February 27, 2025 at 90 FR 10818 is extended. Submit comments by April 30, 2025.

ADDRESSES: You may submit written comments, identified by Docket ID No. COE-2024-0004, by any of the following methods: *Federal eRulemaking Portal:* <https://www.regulations.gov/>. Follow the online instructions for submitting comments.

Email: WRDA2024@usace.army.mil. Include Docket ID No. COE-2024-0004 in the subject line of the message.

Mail: U.S. Army Corps of Engineers, ATTN: Ms. Amy Frantz, CEW-P, U.S. Army Corps of Engineers, 3F91, 441 G St NW, Washington, DC 20314.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier. Comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided.

www.regulations.gov/, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: All requests for further information on the notice may be directed to Ms. Lauren Leuck, OASA(CW), at 703-839-0383 or lauren.d.leuck.civ@army.mil.

SUPPLEMENTARY INFORMATION: This comment period regarding WRDA 2024 (Pub. L. 118-272) is being conducted in accordance with section 1105 of the Water Resources Development Act of 2018 (Pub. L. 115-270). A copy of WRDA 2024 can be found at the publicly accessible website: <https://www.usace.army.mil/Missions/Civil-Works/Water-Resources-Development-Act/>. Final written guidance will be available to the public on the same website.

D. Lee Forsgren,

Acting Assistant Secretary of the Army for Civil Works.

[FR Doc. 2025-07022 Filed 4-22-25; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the U.S. Naval Academy Board of Visitors

AGENCY: Department of the Navy (DoN), Department of Defense (DoD).

ACTION: Notice of partially closed meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the U.S. Naval Academy Board of Visitors, hereafter "Board," will take place.

DATES: Open to the public, May 05, 2025, from 9 a.m. to 11 a.m. Eastern Time Zone (ET). Closed to the public, May 05, 2025, from 11 a.m. to noon (12 p.m.) ET.

ADDRESSES: This meeting will be held at the U.S. Naval Academy, Annapolis, MD. Pending prevailing health directives, the meeting will be handicap accessible. Escort is required.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Ross Hammerer, USN, Executive Secretary to the Board of Visitors, Office of the Superintendent, U.S. Naval Academy, Annapolis, MD 21402-5000, 410-293-1503, hammerer@usna.edu, or visit <https://www.usna.edu/PAO/Superintendent/bov.php>.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory

Committee Act (FACA) of 1972 (5 United States Code (U.S.C.), appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and the General Services Administration's (GSA) Federal Advisory Committee Management Final Rule (41 CFR part 102-3).

Purpose of Meeting: The U.S. Naval Academy Board of Visitors will meet to make such inquiry, as the Board deems necessary, into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy.

Agenda:

Proposed meeting agenda for May 05, 2025.

0900 Call to Order (Open to Public)

0900-1055 Opening Meeting (Open to Public)

1055-1100 Break (Open to Public)

1100-1200 Closed Meeting (Closed to Public)

Current details on the board of visitors may be found at <https://www.usna.edu/PAO/Superintendent/bov.php>.

The closed meeting from 11:00 a.m. to 12:00 p.m. ET on May 05, 2025, will consist of discussions of new and pending administrative or minor disciplinary infractions and non-judicial punishments involving midshipmen attending the Naval Academy to include but not limited to, individual honor or conduct violations within the Brigade, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. For this reason, a portion of this meeting will be closed to the public, as the discussion of such information cannot be adequately segregated from other topics, which precludes opening the closed meeting to the public. The Principal Deputy General Counsel has determined in writing that the meeting shall be partially closed to the public because the discussions during the closed meeting from 11 a.m. to noon (12 p.m.) will be concerned with matters protected under sections 552b(c) (5), (6), and (7) of title 5, U.S.C.

Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the United States Naval Academy Board of Visitors was unable to provide public notification required by 41 CFR 102-3.150(a) concerning its May 5, 2025 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement.

Meeting Accessibility: Pursuant to FACA and 41 CFR 102-3.140, this

meeting is open to the public. Any public attendance at the meeting will be governed by prevailing health directives at the United States Naval Academy. Please contact the Executive Secretary five business days prior the meeting to coordinate access to the meeting.

Written Statements: Per Section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit a written statement for consideration at any time, but should be received by the Designated Federal Officer at least five business days prior to the meeting date so that the comments may be made available to the Board for their consideration prior to the meeting. Written statements should be submitted via mail to 121 Blake Rd., Annapolis, MD 21402. Please note that since the Board operates under the provisions of the FACA, as amended, all submitted comments and public presentations may be treated as public documents and may be made available for public inspection, including, but not limited to, being posted on the board website.

Authority: 5 U.S.C. 552b.

Dated: April 17, 2025.

R.A. Kennedy,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2025–06906 Filed 4–22–25; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Opportunity Scholarship Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2025 for the District of Columbia Opportunity Scholarship Program (OSP).

DATES:

Applications Available: April 28, 2025.

Deadline for Transmittal of Applications: July 7, 2025.

Deadline for Intergovernmental Review: September 5, 2025.

Note: For new potential grantees unfamiliar with grantmaking at the Department, please consult our “Getting Started with Discretionary Grant Applications” web page at www.ed.gov/grants-and-programs/apply-grant/getting-started-discretionary-grant-applications.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 23, 2024 (89 FR 104528) and available at <http://www.federalregister.gov/documents/2024/12/23/2024-30488/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs>.

FOR FURTHER INFORMATION CONTACT: Beth Yeh, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202–5960. Telephone: (202) 205–5798. Email: beth.yeh@ed.gov.

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the OSP is to provide low-income parents residing in the District of Columbia, particularly parents of students who attend an elementary school or secondary school identified as one of the lowest performing schools under the District of Columbia's accountability system, with expanded opportunities for enrolling their children in private schools in the District of Columbia.

Assistance Listing Number: 84.370A.

OMB Control Number: 1810–0774.

Background: The OSP was established in 2004 under the DC School Choice Incentive Act of 2003 (School Choice Incentive Act) (Title III of Division C of the Consolidated Appropriations Act, 2004; Pub. L. 108–199; 118 Stat. 126–118 Stat. 134 (2004)), and was most recently reauthorized in 2017 (Division C of Pub. L. 112–10, as amended by Pub. L. 115–31; DC Code 38–1853.01–.14).

For FY 2025, the Department will award one grant to an eligible entity to administer the OSP in the form of a cooperative agreement between the Department and the grantee.

The Full-Year Continuing Appropriations and Extensions Act, 2025, provided that up to \$1,750,000 of the grant may be used for the combination of administrative expenses, parental assistance, and student academic assistance, notwithstanding the allowances specified in the SOAR Act.

Definitions: The definitions of “elementary school,” “parent,” and “secondary school” are from section 3013 of the SOAR Act. The definitions

of “continuous improvement” and “nonprofit” are from 34 CFR 77.1.

Continuous improvement means using plans for collecting and analyzing data about a project component's implementation and outcomes (including the pace and extent to which project outcomes are being met) to inform necessary changes throughout the project. These plans may include strategies to gather ongoing feedback from participants and stakeholders on the implementation of the project component.

Elementary school means an institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under District of Columbia law.

Nonprofit, as applied to an agency, organization, or institution, means that it is owned and operated by one or more corporations or associations whose net earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity.

Parent includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

Secondary school means an institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under District of Columbia law, except that the term does not include any education beyond grade 12.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: \$17,500,000.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months (five 12-month budget periods). Under 34 CFR 75.117(b), applicants must submit a budget narrative accompanied by a budget form prescribed by the Secretary that provides budget information for each budget period of the proposed project period. Therefore, we may reject any application that does not propose a five-year project period as reflected on the applicant's ED 524 form, Section A, and budget narrative form, submitted as a part of the application.

III. Eligibility Information

1. Eligible Applicants: To be eligible for an OSP grant, an entity must be either a nonprofit organization or a consortium of nonprofit organizations.

Note: If you are a nonprofit organization, under 34 CFR 75.51, you may demonstrate your nonprofit status by providing: (1) proof that the Internal Revenue Service currently recognizes the applicant as an organization to which contributions are tax deductible under section 501(c)(3) of the Internal Revenue Code; (2) a statement from a State taxing body or the State attorney general certifying that the organization is a nonprofit organization operating within the State and that no part of its net earnings may lawfully benefit any private shareholder or individual; (3) a certified copy of the applicant's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant; or (4) any item described above if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.

Note: A faith-based organization is eligible to apply for and receive a grant under this program on the same basis as any other private organization, consistent with appendix A to 34 CFR part 75.

2. a. *Cost Sharing or Matching:* This competition does not require cost sharing or matching. However, consistent with 34 CFR 75.700, which requires an applicant to comply with its approved application, an applicant that proposes non-Federal matching funds and is awarded a grant must provide those funds for each year that the funds are proposed.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see <https://www.ed.gov/about/ed-offices/fofo#Indirect-Cost-Division>.

c. *Administrative Cost Limitation:* Notwithstanding the allowance specified in section 3007(b) and (c) of the SOAR Act, administrative costs, including parental assistance and student academic assistance, may be subject to Consolidated Appropriations Acts. For FY 2025, the combined limit on such costs is \$1,750,000. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in subpart E of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200 (Uniform Guidance).

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

b. *Build America, Buy America Act:* This program is not subject to the Build America, Buy America Act (Pub. L. 117–58) domestic sourcing requirements.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 23, 2024 (89 FR 104298) and available at <http://www.federalregister.gov/documents/2024/12/23/2024-30488/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs>, which contain requirements and information on how to submit an application.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for OSP, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define “business information” and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600 (Predisclosure of Notification Procedures for Confidential Commercial Information), please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under “Other Attachments Form,” please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1)

limit the application narrative to no more than 25 pages and (2) use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative. An application will not be disqualified if it exceeds the recommended page limit.

6. Application Requirements:

The following requirements are from section 3005(b) of the SOAR Act and apply to all applications submitted by eligible entities under this competition.

(1) Each entity's application must include a detailed description of—

(a) How the entity will address the priorities described in section 3006 of the SOAR Act;

(b) How the entity will ensure that if more eligible students seek admission in the program of the entity than the program can accommodate, eligible students are selected for admission through a random selection process which gives weight to the priorities described in section 3006 of the SOAR Act;

(c) How the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(d) How the entity will notify parents of eligible students of the expanded choice opportunities in order to allow the parents to make informed decisions;

(e) The activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 3007(a) of the SOAR Act;

(f) How the entity will determine the amount that will be provided to parents under section 3007(a)(2) of the SOAR

Act for the payment of tuition, fees, and transportation expenses, if any;

(g) How the entity will seek out private elementary schools and secondary schools in the District of Columbia to participate in the program;

(h) How the entity will ensure that each participating school will meet the reporting and other program requirements under the SOAR Act;

(i) How the entity will ensure that participating schools submit to site visits by the entity as determined to be necessary by the entity;

(j) How the entity will ensure that participating schools are financially responsible and will use the funds received under section 3007 of the SOAR Act effectively;

(k) How the entity will ensure the financial viability of participating schools in which 85 percent or more of the total number of students enrolled at the school are participating eligible students that receive and use an opportunity scholarship;

(l) How the entity will address the renewal of scholarships to participating eligible students, including continued eligibility;

(m) How the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia; and

(n) How the eligible entity will ensure that it utilizes internal fiscal and quality controls and complies with applicable financial reporting requirements; and

(2) An assurance that it will comply with all requests regarding any evaluation carried out under section 3009(a) of the SOAR Act.

In addition to the statutory application requirements, we encourage applicants to include a description of (1) how they will provide information to parents regarding which provisions under the Individuals with Disabilities Education Act (20 U.S.C. 1400 *et seq.*) and Section 504 of the Rehabilitation Act (29 U.S.C. 794) do or do not apply when a student with a disability is enrolled in a private school by their parents, and (2) if applicable, how they intend to spend funds reserved for administrative expenses, parental assistance and student academic assistance.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are as follows:

(a) Quality of project design (up to 35 points).

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary

considers the extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified, measurable, and ambitious yet achievable within the project period, and aligned with the purposes of the grant program.

(b) Adequacy of resources (up to 25 points).

The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers:

(1) The adequacy of support for the project, including facilities, equipment, supplies, and other resources, from the applicant or the lead applicant organization (up to 15 points).

(2) The extent to which the costs are reasonable in relation to the number of persons to be served, the depth and intensity of services, and the anticipated results and benefits (up to 10 points).

(c) Quality of the management plan (up to 40 points).

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers:

(1) The feasibility of the management plan to achieve project objectives and goals on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks (up to 8 points).

(2) The adequacy of plans for ensuring the use of quantitative and qualitative data, including meaningful community member and partner input, to inform continuous improvement in the operation of the proposed project (up to 8 points).

(3) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project (up to 8 points).

(4) The adequacy of mechanisms for ensuring high-quality and accessible products and services from the proposed project for the target population (up to 8 points).

(5) The extent to which the project director or principal investigator, when hired, has the qualifications required for the project, including formal training or work experience in fields related to the objectives of the project and experience in designing, managing, or implementing similar projects for the target population to be served by the project (up to 8 points).

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any

discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR

part 200, appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We also may notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. See the standards in 2 CFR 170.105 to determine whether you are covered by 2 CFR part 170.

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you

receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things, whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

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

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

this site, you can limit your search to documents published by the Department.

Hayley B. Sanon,

Principal Deputy Assistant Secretary and Acting Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 2025-07024 Filed 4-22-25; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP25-816-000.

Applicants: Southwest Gas Storage Company.

Description: 4(d) Rate Filing: Housekeeping Filing—4-8-25 to be effective 5/10/2025.

Filed Date: 4/10/25.

Accession Number: 20250410-5044.

Comment Date: 5 p.m. ET 4/22/25.

Docket Numbers: RP25-817-000.

Applicants: Sea Robin Pipeline Company, LLC.

Description: 4(d) Rate Filing: Housekeeping Filing 4-10-25 to be effective 5/10/2025.

Filed Date: 4/10/25.

Accession Number: 20250410-5050.

Comment Date: 5 p.m. ET 4/22/25.

Docket Numbers: RP25-818-000.

Applicants: Panhandle Eastern Pipe Line Company, LP.

Description: 4(d) Rate Filing: FOSA Housekeeping Filing—4-10-25 to be effective 5/10/2025.

Filed Date: 4/10/25.

Accession Number: 20250410-5064.

Comment Date: 5 p.m. ET 4/22/25.

Docket Numbers: RP25-819-000.

Applicants: Trunkline Gas Company, LLC.

Description: 4(d) Rate Filing: Housekeeping Filing on 4-10-25 to be effective 5/10/2025.

Filed Date: 4/10/25.

Accession Number: 20250410-5078.

Comment Date: 5 p.m. ET 4/22/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is

necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, Community Organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: April 10, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-06956 Filed 4-22-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25-89-000, CP25-90-000]

Northwest Pipeline, LLC, Portland General Electric Company, B-R Pipeline, LLC, KB Pipeline Company; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Kelso-Beaver Reliability Project, and Notice of Public Scoping Session

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document, that will discuss the environmental impacts of the Kelso-Beaver Reliability Project involving construction and operation of facilities by Northwest Pipeline, LLC (Northwest) in Cowlitz County, Washington. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the NEPA Process and Environmental Document section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5 p.m. eastern time on May 19, 2025. Comments may be submitted in written or oral form. Further details on how to submit comments are provided in the Public Participation section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written and oral comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on February 27, 2025, you will need to file those comments in Docket No. CP25-89-000 or CP25-90-000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

Northwest provided landowners with a fact sheet prepared by the FERC entitled "An Interstate Natural Gas

Facility On My Land? What Do I Need To Know?" which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (www.ferc.gov) under the Natural Gas, Landowner Topics link.

Public Participation

There are four methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or FercOnlineSupport@ferc.gov.

(1) You can file your comments electronically using the eComment feature, which is on the Commission's website (www.ferc.gov) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is also on the Commission's website (www.ferc.gov) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; a comment on a particular project is considered a "Comment on a Filing";

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP25-89-000 or CP25-90-000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852; or

(4) In lieu of sending written comments, the Commission invites you to attend the public scoping session its staff will conduct in the project area, scheduled as follows:

Date and time	Location
Thursday, May 15, 2025, 4:30–6:30 p.m.	Cowlitz County Event Center, 1900 7th Avenue, Longview, WA 98632, phone number: (360) 577–3121.

The primary goal of this scoping session is to have you identify the specific environmental issues and concerns that should be considered in the environmental document. Individual oral comments will be taken on a one-on-one basis with a court reporter. This format is designed to receive the maximum amount of oral comments in a convenient way during the timeframe allotted.

The scoping session is scheduled from 4:30 p.m. to 6:30 p.m. Pacific Daylight Time. You may arrive at any time after 4:30 p.m. There will not be a formal presentation by Commission staff when the session opens. If you wish to speak, the Commission staff will hand out numbers in the order of your arrival. Comments will be taken until 6:30 p.m. However, if no additional numbers have been handed out and all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session at 6 p.m. Please see appendix 2 for additional information on the session format and conduct.¹

Your oral comments will be recorded by a court reporter (with FERC staff or representative present) and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system (see the last page of this notice for instructions on using eLibrary). If a significant number of people are interested in providing oral comments in the one-on-one settings, a time limit of 5 minutes may be implemented for each commentor. Although there will not be a formal presentation, Commission staff will be available throughout the scoping session to answer your questions about the environmental review process. Representatives from Northwest will also be present to answer project-specific questions.

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided orally at a scoping session.

¹ The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at www.ferc.gov using the link called "eLibrary". For instructions on connecting to eLibrary, refer to the last page of this notice. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll free, (886) 208–3676 or TTY (202) 502–8659.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

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.

Summary of the Proposed Project

Northwest proposes to acquire, own, and operate an existing 18-mile-long, 20-inch-diameter pipeline (KB Pipeline) from Portland General Electric Company, KB Pipeline Company, and B–R Pipeline, LLC.² Northwest also requests authorization to make the KB Pipeline bi-directional and install a new 5,500 horsepower compressor station in Cowlitz County, Washington. Northwest states the project would provide the transportation services necessary for interested shippers to further access and utilize the non-jurisdictional expansion of the State of Oregon-regulated North Mist Storage facility (North Mist Project), which would be constructed concurrently with the Kelso-Beaver Reliability Project.

The Project would create 52,400 dekatherms per day (Dth/d) of westbound capacity and 131,000 Dth/d of eastbound capacity on Northwest's system. According to Northwest, the Project would provide incremental westbound transportation service from its system into the North Mist Project and new eastbound transportation

² Portland General Electric Company, KB Pipeline Company, and B–R Pipeline, LLC also filed to abandon the KB Pipeline to Northwest in Docket No. CP25–90–000.

service from the North Mist Project into Northwest's system.

The project would consist of the following facilities:

- one new KB Compressor Station in Cowlitz County, Washington, consisting of one 5,500 horsepower electric motor driven compressor unit and appurtenances. The site is currently residential in use; and
- modification of the existing KB Meter Station and existing aboveground facilities in Cowlitz County, Washington.

The general location of the project facilities is shown in appendix 1.

Land Requirements for Construction

Construction of the proposed facilities would disturb about 4.8 acres of land, including about 3.3 acres for the proposed KB Compressor Station, about 0.7 acre for the KB Meter Station, and about 0.8 acre for temporary workspace along the KB Pipeline right-of-way. Northwest would purchase the land on which the proposed compressor station and meter station would be constructed. Following construction, Northwest would maintain about 3.9 acres for permanent operation of the project's aboveground facilities; the remaining acreage would be restored and revert to former uses.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a "Notice of Schedule for the Preparation of an Environmental Assessment" will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a "Notice of Intent to Prepare an EIS/Notice of Schedule" will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary³ and the Commission's natural gas environmental documents web page (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the environmental document.⁴ Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential

effects on historic properties.⁵ The environmental document for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes Federal, State, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to GasProjectAddressChange@ferc.gov stating your request. You must include the docket number CP25–89–000 or CP25–90–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached "Mailing List Update Form" (appendix 3).

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at www.ferc.gov using the

eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number in the "Docket Number" field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

Dated: April 17, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025–06944 Filed 4–22–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–167–000]

Golden Triangle Storage, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on March 31, 2025, Golden Triangle Storage, LLC (GTS), 919 Milam Street, Suite 2425, Houston, Texas 77002, filed an application under section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting authorization for its Spindletop Expansion Project (Project) at its existing Central Storage Site in Jefferson County, Texas. The Project consists of: (1) four new salt dome storage caverns and well pads, (2) ten 5,500 horsepower gas-fired reciprocating engine compressor units, and (3) various appurtenances. The Project will add 30.75 billion cubic feet (Bcf) of working gas capacity and 24.2 Bcf of base gas capacity. The aggregate injection and withdrawal capability at the Central Storage Site will increase by 1,000 million cubic feet per day. Additionally, GTS requests reaffirmation of its existing market-based rate authority, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the

³ For instructions on connecting to eLibrary, refer to the last page of this notice.

⁴ Cooperating agency responsibilities are addressed in section 107(a)(3) of NEPA (42 U.S.C. 4336(a)(3)).

⁵ The Advisory Council on Historic Preservation's regulations are at title 36, Code of Federal Regulations, part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions regarding the proposed project should be directed to James F. Bowe, Jr., King & Spalding LLP, 1700 Pennsylvania Avenue, Suite 900, Washington, DC 20006, by phone at (202) 626-9601, or by email at jbowe@kslaw.com.

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,¹ within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Water Quality Certification

A water quality certificate under section 401 of the Clean Water Act is required for the project from Texas Commission on Environmental Quality and the Railroad Commission of Texas. When available, GTS should submit to the Commission a copy of the request for certification for the Commission authorization, including the date the request was submitted to the certifying

agency, and either (1) a copy of the certifying agency's decision or (2) evidence of waiver of water quality certification.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on May 1, 2025. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)² and 385.211³ of the Commission's regulations under the NGA, any person⁴ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁵ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before May 1, 2025.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP25-167-000 in your submission.

² 18 CFR 157.10(a)(4).

³ 18 CFR 385.211.

⁴ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁵ 18 CFR 385.2001.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP25-167-000).

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. *However, the filing of a comment alone will not serve to make the filer a party to the proceeding.* To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁶ has the option to file a motion to intervene

¹ 18 CFR 157.9.

⁶ 18 CFR 385.102(d).

in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁷ and the regulations under the NGA⁸ by the intervention deadline for the project, which is May 1, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP25-167-000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP25-167-000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff

available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: James F. Bowe, Jr., King & Spalding LLP, 1700 Pennsylvania Avenue, Suite 900, Washington, DC 20006 or by email (with link to document) at jbowe@kslaw.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed⁹ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹⁰ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.¹¹ A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Intervention Deadline: 5:00 p.m. Eastern Time on May 1, 2025.

⁹ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹⁰ 18 CFR 385.214(c)(1).

¹¹ 18 CFR 385.214(b)(3) and (d).

Dated: April 10, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-06957 Filed 4-22-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR25-46-000.

Applicants: Pecan Pipeline Company.

Description: § 284.123 Rate Filing;

Petition For NGPA Section 311 Rate Approval to be effective 3/20/2025.

Filed Date: 4/16/25.

Accession Number: 20250416-5188.

Comment Date: 5 p.m. ET 5/7/25.

Docket Numbers: RP25-829-000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: § 4(d) Rate Filing; Amendment to a Negotiated Rate Agreement Filing-Kiowa Power Partners, LLC to be effective 4/17/2025.

Filed Date: 4/17/25.

Accession Number: 20250417-5084.

Comment Date: 5 p.m. ET 4/29/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP25-198-001.

Applicants: Maritimes & Northeast Pipeline, L.L.C.

Description: Compliance filing; MNUS RP25-198 Joint Petition Compliance Filing to be effective 4/1/2025.

Filed Date: 4/17/25.

Accession Number: 20250417-5124.

Comment Date: 5 p.m. ET 4/29/25.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/>)

⁷ 18 CFR 385.214.

⁸ 18 CFR 157.10.

fercgensearch.asp) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <https://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.

Dated: April 17, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-06943 Filed 4-22-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EG25-282-000.

Applicants: Shelby Onsite Generation, LLC.

Description: Shelby Onsite Generation, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 4/10/25.

Accession Number: 20250410-5165.

Comment Date: 5 p.m. ET 5/1/25.

Docket Numbers: EG25-283-000.

Applicants: TES MAS23 Energy Storage, LLC.

Description: TES MAS23 Energy Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 4/10/25.

Accession Number: 20250410-5167.

Comment Date: 5 p.m. ET 5/1/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24-2754-001.

Applicants: Western Maine Renewables, LLC.

Description: Notice of Non-Material Change in Status of Western Maine Renewables, LLC.

Filed Date: 4/9/25.

Accession Number: 20250409-5191.

Comment Date: 5 p.m. ET 4/30/25.

Docket Numbers: ER25-1383-000.

Applicants: Freeport-McMoRan Copper & Gold Energy Services, LLC.

Description: Supplement to 02/24/2025, Freeport-McMoRan Copper & Gold Energy Services, LLC's Request for Authorization to Undertake Affiliate Sales.

Filed Date: 4/8/25.

Accession Number: 20250408-5233.

Comment Date: 5 p.m. ET 4/22/25.

Docket Numbers: ER25-1446-000.

Applicants: MS Solar 7, LLC.

Description: Supplement to February 28, 2025, MS Solar 7, LLC tariff filing.

Filed Date: 4/9/25.

Accession Number: 20250409-5189.

Comment Date: 5 p.m. ET 4/21/25.

Docket Numbers: ER25-1868-000.

Applicants: Portland General Electric Company.

Description: Motion for Extension of Time, Shortened Answer Period, and Expedited Action of Powerex Corp.

Filed Date: 4/9/25.

Accession Number: 20250409-5172.

Comment Date: 5 p.m. ET 5/1/25.

Docket Numbers: ER25-1918-000.

Applicants: Hoosier Line Energy, LLC.

Description: Initial Rate Filing:

Certificate of Concurrence to Shared Facilities Common Ownership Agreement to be effective 4/10/2025.

Filed Date: 4/9/25.

Accession Number: 20250409-5173.

Comment Date: 5 p.m. ET 4/30/25.

Docket Numbers: ER25-1919-000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to Service Agreement Nos. 6544 & 6545; Queue No. AB1-087 to be effective 6/10/2025.

Filed Date: 4/10/25.

Accession Number: 20250410-5012.

Comment Date: 5 p.m. ET 5/1/25.

Docket Numbers: ER25-1920-000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to Service Agreement Nos. 6538 & 6539; Queue No. AB1-088 to be effective 6/10/2025.

Filed Date: 4/10/25.

Accession Number: 20250410-5025.

Comment Date: 5 p.m. ET 5/1/25.

Docket Numbers: ER25-1922-000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

Description: 205(d) Rate Filing: Ameren Illinois Company submits tariff

filing per 35.13(a)(2)(iii): 2025-04-10 SA 4469 Ameren Illinois-Breese-IMEA WCA to be effective 6/10/2025.

Filed Date: 4/10/25.

Accession Number: 20250410-5041.

Comment Date: 5 p.m. ET 5/1/25.

Docket Numbers: ER25-1923-000.

Applicants: Duke Energy Progress, LLC.

Description: 205(d) Rate Filing: DEP-CUBE Emergency Energy Agreement and Interconnection Agreement to be effective 6/10/2025.

Filed Date: 4/10/25.

Accession Number: 20250410-5049.

Comment Date: 5 p.m. ET 5/1/25.

Docket Numbers: ER25-1924-000.

Applicants: American Electric Power Service Corporation.

Description: 205(d) Rate Filing: AEPSC submits three Facilities Agreements re: SA No. 1336 to be effective 4/1/2025.

Filed Date: 4/10/25.

Accession Number: 20250410-5053.

Comment Date: 5 p.m. ET 5/1/25.

Docket Numbers: ER25-1925-000.

Applicants: PacifiCorp.

Description: 205(d) Rate Filing: Montana Intertie Project Trans Agreement Exhibit D Concurrence to be effective 3/1/2024.

Filed Date: 4/10/25.

Accession Number: 20250410-5077.

Comment Date: 5 p.m. ET 5/1/25.

Docket Numbers: ER25-1926-000.

Applicants: Shelby Onsite Generation, LLC.

Description: 205(d) Rate Filing: Application for MBR Authority with Expedited Treatment to be effective 6/1/2025.

Filed Date: 4/10/25.

Accession Number: 20250410-5141.

Comment Date: 5 p.m. ET 5/1/25.

Docket Numbers: ER25-1927-000.

Applicants: TES MAS23 Energy Storage, LLC.

Description: Initial Rate Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 4/11/2025.

Filed Date: 4/10/25.

Accession Number: 20250410-5153.

Comment Date: 5 p.m. ET 5/1/25.

Docket Numbers: ER25-1928-000.

Applicants: Southwestern Public Service Company.

Description: Tariff Amendment: 2025.04.10-LP&L Cancellation to be effective 4/11/2025.

Filed Date: 4/10/25.

Accession Number: 20250410-5162.

Comment Date: 5 p.m. ET 5/1/25.

Docket Numbers: ER25-1929-000.

Applicants: Lockhart Transmission Holdings, LLC.

Description: 205(d) Rate Filing: Facilities Use Agreements to be effective 6/10/2025.

Filed Date: 4/10/25.

Accession Number: 20250410–5178.

Comment Date: 5 p.m. ET 5/1/25.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RD25–7–000.

Applicants: North American Electric Reliability Corporation.

Description: Petition of the North American Electric Reliability Corporation for Approval of Proposed Reliability Standard EOP–012–3.

Filed Date: 4/10/25.

Accession Number: 20250410–5177.

Comment Date: 5 p.m. ET 5/12/25.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: April 10, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–06955 Filed 4–22–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EG25–291–000.

Applicants: SMT Energy LLC.

Description: SMT Energy LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 4/17/25.

Accession Number: 20250417–5082.

Comment Date: 5 p.m. ET 5/8/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER25–1977–000.

Applicants: Tillman Solar Park LLC.

Description: Initial Rate Filing: Shared Facilities Agreement and Request for Waivers and Blanket Authorization to be effective 6/16/2025.

Filed Date: 4/16/25.

Accession Number: 20250416–5180.

Comment Date: 5 p.m. ET 5/7/25.

Docket Numbers: ER25–1978–000.

Applicants: Pacific Gas and Electric Company.

Description: Compliance filing: TO: TID/MID Black Box Settlement in Docket No. EL15–55 to be effective N/A.

Filed Date: 4/17/25.

Accession Number: 20250417–5000.

Comment Date: 5 p.m. ET 5/8/25.

Docket Numbers: ER25–1979–000.

Applicants: Michigan Electric Transmission Company, LLC.

Description: Notice of Cancellation of a portion of the Coordinated Operating Agreement under Rate Schedule 9 of Michigan Electric Transmission Company, LLC.

Filed Date: 4/16/25.

Accession Number: 20250416–5199.

Comment Date: 5 p.m. ET 5/7/25.

Docket Numbers: ER25–1980–000.

Applicants: Clinton Solar, LLC.

Description: § 205(d) Rate Filing: Application for Market Based Rate to be effective 5/30/2025.

Filed Date: 4/17/25.

Accession Number: 20250417–5032.

Comment Date: 5 p.m. ET 5/8/25.

Docket Numbers: ER25–1981–000.

Applicants: Deseret Generation & Transmission Co-operative, Inc.

Description: Compliance filing: OATT Order No. 904 Compliance to be effective 4/18/2025.

Filed Date: 4/17/25.

Accession Number: 20250417–5053.

Comment Date: 5 p.m. ET 5/8/25.

Docket Numbers: ER25–1982–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Surplus Large Gen Interconnection Agrmt Rev 1 (SA No. 1110) to be effective 4/18/2025.

Filed Date: 4/17/25.

Accession Number: 20250417–5055.

Comment Date: 5 p.m. ET 5/8/25.

Docket Numbers: ER25–1983–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Surplus Large Gen Interconnection Agrmt Rev 1 (SA No. 1112) to be effective 4/18/2025.

Filed Date: 4/17/25.

Accession Number: 20250417–5059.

Comment Date: 5 p.m. ET 5/8/25.

Docket Numbers: ER25–1984–000.

Applicants: Mammoth Central LLC.

Description: Initial Rate Filing: Baseline new SFA to be effective 6/17/2025.

Filed Date: 4/17/25.

Accession Number: 20250417–5113.

Comment Date: 5 p.m. ET 5/8/25.

Docket Numbers: ER25–1985–000.

Applicants: American Electric Power Service Corporation.

Description: § 205(d) Rate Filing: AEP submits revised ILDSA—SA No. 1420 ATT 1 to be effective 7/1/2025.

Filed Date: 4/17/25.

Accession Number: 20250417–5119.

Comment Date: 5 p.m. ET 5/8/25.

Docket Numbers: ER25–1986–000.

Applicants: Midcontinent

Independent System Operator, Inc., Ameren Illinois Company.

Description: § 205(d) Rate Filing: Ameren Illinois Company submits tariff filing per 35.13(a)(2)(iii): 2025–04–17 _ SA 4471 Ameren Illinois-Village of Ladd WCA to be effective 6/17/2025.

Filed Date: 4/17/25.

Accession Number: 20250417–5169.

Comment Date: 5 p.m. ET 5/8/25.

Docket Numbers: ER25–1987–000.

Applicants: Entergy Arkansas, LLC.

Description: § 205(d) Rate Filing: EAL–SWPA Marketing Agreement to be effective 6/1/2025.

Filed Date: 4/17/25.

Accession Number: 20250417–5172.

Comment Date: 5 p.m. ET 5/8/25.

Docket Numbers: ER25–1988–000.

Applicants: Mammoth Central II LLC.

Description: Initial Rate Filing: Baseline new COC to be effective 6/17/2025.

Filed Date: 4/17/25.

Accession Number: 20250417–5176.

Comment Date: 5 p.m. ET 5/8/25.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF25–470–000;

QF25–471–000.

Applicants: Novel Marthaler Solar LLC, Novel Herickhoff Solar LLC.
Description: Refund Report of Novel Herickhoff Solar LLC, et al.
Filed Date: 4/16/25.
Accession Number: 20250416–5200.
Comment Date: 5 p.m. ET 5/7/25.

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: April 17, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025–06942 Filed 4–22–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Sierra Nevada Region Pacific Alternating Current Intertie Point-to-Point Transmission Service—Rate Order No. WAPA–211

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of proposed transmission service formula rates.

SUMMARY: The Sierra Nevada Region (SN) of the Western Area Power Administration (WAPA) proposes new

long-term formula rates to become effective October 1, 2025, through September 30, 2030 for Pacific Alternating Current Intertie (PACI) Point-to-Point (PTP) transmission services. SN is proposing a cost-based formula rate for Statutory Service and two new equitable formula rates for sale of surplus capacity for non-Statutory Service. SN also proposes to supersede certain formula rates for short-term sales on the PACI, PACI–T4 and PACI–T5, (approved under Delegation Order No. S3–DEL–WAPA1–2023, Section 1.4.B) with these proposed long-term formula rates.

DATES: A consultation and comment period will begin April 23, 2025 and end July 22, 2025. SN will present a detailed explanation of the proposed formula rates and other modifications at a public information forum that will be held on June 18, 2025, at 9:30 a.m. PST to no later than 12:30 p.m. PST. SN will host a public comment forum on June 18, 2025, at 1:30 p.m. PST to no later than 3:30 p.m. PST, or until the last comment is received. The public information forum and the public comment forum will be conducted virtually. Instructions for participating in the forums will be posted on SN's website at least 14 days prior to the public information and comment forums at: www.wapa.gov/about-wapa/regions/sn/sn-rates/Rate-Case-2025-WAPA-211. SN will accept comments any time during the consultation and comment period.

ADDRESSES: Written comments and requests to be informed of Federal Energy Regulatory Commission (FERC) actions concerning the proposed formula rates submitted by WAPA to FERC for approval should be sent to: Michelle Williams, Regional Manager, Sierra Nevada Region, Western Area Power Administration, 114 Parkshore Drive, Folsom, California 95630, or email: SNR-RateCase@wapa.gov. SN will post information about the proposed formula rates and written comments received to its website at: www.wapa.gov/about-wapa/regions/sn/sn-rates/Rate-Case-2025-WAPA-211.

FOR FURTHER INFORMATION CONTACT: Autumn Wolfe, Rates Manager, Sierra Nevada Region, Western Area Power Administration, (916) 353–4686 or email: SNR-RateCase@wapa.gov.

SUPPLEMENTARY INFORMATION: SN is proposing a cost-based formula rate for Statutory Service and two new equitable formula rates for sale of surplus capacity utilized for non-Statutory Service.

Authorizing Legislation for Equitable Rates

PACI authorizing legislation (16 U.S.C. 837e) provides transmission capacity not required for the transmission of Federal energy shall be at equitable rates determined by the Secretary of Energy.

Proposed PACI Formula Rate Schedules

The proposed cost-based formula rate would provide sufficient revenue to recover annual operation, maintenance, replacement expenses, interest expense, and capital repayment requirements while ensuring repayment of the project within the cost recovery criteria set forth in Department of Energy (DOE) Order RA 6120.2. The proposed equitable formula rates would aid and benefit the Central Valley Project (CVP) by offsetting project power costs. For more information on the proposed rates, please see the customer rate brochure located on SN's website at: www.wapa.gov/about-wapa/regions/sn/sn-rates/Pages/Rate-Case-2025-WAPA-211.

Formula Rate Schedule PACI–C1

Formula Rate Schedule PACI–C1 is the proposed rate for transmission service to move Federal power on the PACI transmission line for Statutory Service (*i.e.*, Firm Electric Service, Priority Use Power, and Project Use Service).

SN prepares a detailed cost-of-service study to determine the costs, by project, that support the transfer capability of each transmission system and the cost that supports the generation capability of the CVP system. Generally, the costs allocated through the cost-of-service study for the transmission systems include operation and maintenance, interest, and depreciation expenses. SN's costs for scheduling, system control, and dispatch service associated with PACI transmission service are included and recovered through the transmission systems' revenue requirement. SN proposes to charge a cost-based formula rate.

Formula Rate Schedule PACI–W1

Formula Rate Schedule for PACI–W1 is the proposed rate for surplus PACI transmission used for non-Statutory Service that is delivered and/or received between Malin to Round Mountain and/or Malin to Cottonwood Substation located within the Balancing Authority of Northern California Balancing Authority Area (BAA). SN proposes to utilize an equitable formula rate based on the SN California-Oregon

Transmission Project transmission formula rate.

Formula Rate Schedule PACI-D1

Formula Rate Schedule PACI-D1 is the proposed rate for surplus PACI transmission used for non-Statutory Service that is delivered from and/or received at Pacific Gas and Electric Company's Default Load Aggregation Point located within the California Independent System Operator (CAISO) BAA. SN proposes to utilize an equitable formula rate based on SN's cost for wheeling power through the CAISO BAA.

Rates For Short Term Sales

On August 30, 2024, WAPA's Administrator placed into effect on a final basis, rates for short-term sales for PACI transmission service under Rate Schedules PACI-T4 and PACI-T5 to be in effect from October 1, 2024, through September 30, 2025, or until superseded by another rate schedule, whichever occurs earlier.

Legal Authority

DOE procedures for public participation in power and transmission rate adjustments are located at (10 CFR part 903). The proposed action is a major rate adjustment, as defined by 10 CFR 903.2(d). In accordance with 10 CFR 903.15(a) and 10 CFR 903.16(a), SN will hold public information and public comment forums for this rate adjustment. SN will review and consider all timely public comments at the conclusion of the consultation and comment period and adjust the proposal as appropriate. Depending on the comments, WAPA proposes for the rates to be approved on an interim basis.

WAPA is establishing the formula rates for PACI in accordance with section 302 of the DOE Organization Act (42 U.S.C. 7152).¹

By Delegation Order No. S1-DEL-RATES-2016, effective November 19, 2016, the Secretary of Energy delegated: (1) the authority to develop power and transmission rates to the WAPA Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, or to remand or disapprove such rates, to FERC. By

Delegation Order No. S1-DEL-S3-2024, effective August 30, 2024, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary for Infrastructure. By Redelegation Order No. S3-DEL-WAPA1-2023, effective April 10, 2023, the Under Secretary for Infrastructure further redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to WAPA's Administrator.

Availability of Information

All brochures, studies, comments, letters, memorandums, or other documents that SN initiates or uses to develop the proposed formula rates are available for inspection and copying at the Sierra Nevada Region, located at 114 Parkshore Drive, Folsom, California. Many of these documents and supporting information are also available on SN's website at: www.wapa.gov/about-wapa/regions/sn/sn-rates/Pages/Rate-Case-2025-WAPA-211.

Ratemaking Procedure Requirements Environmental Compliance

WAPA is in the process of determining whether an environmental assessment or an environmental impact statement should be prepared or if this action can be categorically excluded from those requirements.²

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Signing Authority

This document of the Department of Energy was signed on April 4, 2025, by Tracey A. LeBeau, Administrator, Western Area Power Administration, pursuant to delegated authority from the Secretary of Energy. That document, with the original signature and date, is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This

administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 18, 2025.

Treena V. Garrett,

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

[FR Doc. 2025-06951 Filed 4-22-25; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2018-N-1262]

Notice of Approval of Product Under Voucher: Material Threat Medical Countermeasure Priority Review Voucher; EYLEA HD (aflibercept)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the approval of a product redeeming a priority review voucher. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to award priority review vouchers to sponsors of approved material threat medical countermeasure (MCM) product applications that meet certain criteria. FDA is required to publish notice of the issuance of priority review vouchers as well as the approval of products redeeming a priority review voucher. FDA has determined that the application for EYLEA HD (aflibercept), approved August 18, 2023, meets the criteria for redeeming a priority review voucher.

FOR FURTHER INFORMATION CONTACT:

Andrea Gormley, Counter-Terrorism and Emergency Coordination Staff, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., 2nd Floor, Silver Spring, MD 20993-0002, 301-796-2210 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Under section 565A of the FD&C Act (21 U.S.C. 360bbb-4a), FDA will report the issuance of material threat MCM priority review vouchers and the approval of products for which a voucher was redeemed. FDA has determined that the application for EYLEA HD (aflibercept) meets the redemption criteria.

For further information about the material threat MCM Priority Review Voucher Program and for a link to the

¹ This Act transferred to, and vested in, the Secretary of Energy the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation (Reclamation) under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and other acts that specifically apply to the project involved.

² In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321-4347; the Council on Environmental Quality Regulations for implementing NEPA (40 CFR parts 1500 through 1508); and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021).

full text of section 565A of the FD&C Act, go to <https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/21st-century-cures-act-mcm-related-cures-provisions#prv>. For further information about EYLEA HD (aflibercept), go to the “Drugs@FDA” website at <http://www.accessdata.fda.gov/scripts/cder/daf/>.

Dated: April 16, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025-06969 Filed 4-22-25; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2025-N-0287]

Exploration of Health Level Seven Fast Healthcare Interoperability Resources for Use in Study Data Created From Real-World Data Sources for Submission to the Food and Drug Administration; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the establishment of a docket for public comments exploring the Health Level Seven (HL7) Fast Healthcare Interoperability Resources (FHIR) for submission of data collected from real-world data (RWD) sources. In alignment with the new Department of Health and Human Services (HHS), Assistant Secretary for Technology Policy/Office of the National Coordinator for Health (ASTP/ONC) policy on health information technology (health IT), the Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER) are exploring approaches to optimize the submission of structured and standardized clinical study data collected from RWD sources. FDA is seeking public comment from interested parties on specific questions. Interested parties may include regulated industry, health IT vendors, academic medical centers, and electronic data capture vendors as well as other interested parties.

DATES: Either electronic or written comments on the notice must be submitted by June 23, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 23, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2025-N-0287 for “Exploration of Health Level Seven Fast Healthcare Interoperability Resources for Use in Study Data Created From Real-World

Data Sources for Submission to the Food and Drug Administration; Establishment of a Public Docket; Request for Comments.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT: Ethan Chen, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 301-796-7626, ethan.chen@fda.hhs.gov, or Hussein Ezzeldin, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903

New Hampshire Ave., Silver Spring, MD 20993-0002, 240-402-8629, hussain.ezzeldin@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Sponsors are increasing their use of RWD to support claims of safety and effectiveness for FDA-regulated medical products. FDA defines RWD as “data relating to patient health status and/or the delivery of health care routinely collected from a variety of sources. Examples of RWD include data derived from electronic health records, medical claims data, data from product or disease registries, and data gathered from other sources (such as digital health technologies) that can inform on health status” (Ref. 1).

As stated in FDA’s guidance for industry entitled “Data Standards for Drug and Biological Product Submissions Containing Real-World Data” (Data Standards Guidance) (Ref. 2), the Agency recognizes challenges involved in standardizing clinical study data collected from RWD sources for inclusion in applicable submissions. The Agency is currently considering how data standards specific to data derived from RWD sources might help accurately and consistently represent data obtained from RWD sources when submitting study data to the Agency.

FDA will also consider the recently adopted HHS Health IT Alignment Policy (Ref. 3), which requests that all HHS operating and staff divisions (including FDA) align on health IT policy that is being developed and implemented by ASTP/ONC. ASTP/ONC defines health IT as “hardware, software, integrated technologies or related licenses, intellectual property, upgrades, or packaged solutions sold as services that are designed for or support the use by health care entities or patients for the electronic creation, maintenance, access, or exchange of health information” (Ref. 3). The policy asks for “greater alignment of health IT-related activities in support of [HHS] health IT and interoperability goals” (Ref. 3) and, as such, creates an opportunity for FDA to explore such alignment with respect to clinical study data collected from RWD sources.

In 2020, the final rule entitled “21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program” (85 FR 25642; May 1, 2020) was published by ASTP/ONC, establishing the HL7 FHIR standard as a nationwide standard for access, exchange, and use of data for healthcare delivery organizations. The capabilities that the final rule requires from ONC-certified health IT will enable

patients, clinicians, researchers, and other appropriate parties to access data from certified electronic health records (EHRs) and other certified health IT in a Representational State Transfer manner, utilizing application programming interface (API) technology. Beginning in 2022, more than 50 data elements in the United States Core Data for Interoperability (USCDI) are consistently and routinely available through certified health IT using FHIR (see <https://www.healthit.gov/isp/united-states-core-data-interoperability-uscdi#uscdi-v1>). The data elements contain a wide array of clinical concepts, including patient demographics, vital signs, laboratory tests, and unique identifiers for patient implantable devices.¹

ASTP/ONC expanded the number of data elements available through the FHIR standard in the final rule entitled “Health Data, Technology, and Interoperability: Certification Program Updates, Algorithm Transparency, and Information Sharing” (HTI-1 final rule) published January 9, 2024 (89 FR 1192). The HTI-1 final rule establishes USCDI version 3, a data set of more than 80 data elements, as the new standard set of data classes and constituent data elements for nationwide, interoperable health information exchange. Additionally, ASTP/ONC has also created the Trusted Exchange Framework and Common Agreement (TEFCA), which operates in the United States as a nationwide framework for health information sharing.²

Although clinical study data submitted to FDA are not explicitly required to be collected or submitted using ONC-certified health IT, given the fact that some RWD sources (such as EHRs) are already adopting FHIR and support the USCDI standardized data elements, FDA will explore the possibility of receiving clinical study data that includes data collected from EHRs using HL7 FHIR (along with other data standards currently used in clinical research). The Agency has actively explored many exchange formats and data standards and terminologies that have gained maturity in the past decade for potential adoption. Current initiatives utilizing HL7 FHIR include:

¹ An example of adoption of FHIR is the “Centers for Medicare & Medicaid Services (CMS) Interoperability and Prior Authorization” final rule published February 8, 2024 (89 FR 8758), furthering the implementation of FHIR across the Federal government for multiple use cases. See <https://www.cms.gov/newsroom/fact-sheets/cms-interoperability-and-prior-authorization-final-rule-cms-0057-f>.

² See <https://www.healthit.gov/topic/interoperability/policy/trusted-exchange-framework-and-common-agreement-tefca>.

- Structured Pharmaceutical Quality/Chemistry, Manufacturing, and Controls (PQ/CMC):³ Aims to standardize electronic common technical document module 3 data elements, terminologies, and data structures by adopting HL7 FHIR standard to enhance the automation of exchange and analyses of PQ/CMC data.

- Structured Product Labeling (SPL) on FHIR:⁴ Explores the potential approaches for transitioning from SPL submissions in HL7 version 3 to HL7 FHIR.

- CBER Biologics Effectiveness and Safety (BEST) Innovative Methods (IM) Platform (Ref. 4): A FHIR-based platform (see <https://build.fhir.org/ig/HL7/fhir-icmr-ae-reporting/>) which aims to improve CBER’s postmarket surveillance capability through the validation, detection, and reporting of adverse events from EHRs. BEST IM Platform piloted two studies to evaluate the quality and timeliness of FHIR for public health use case (Ref. 5); and to explore using semi-automated detection of adverse events using interoperable computable phenotypes (Ref. 6).

- Application of HL7 FHIR to collect data directly from EHRs in a clinical trial:⁵ Uses Substitutable Medical Applications Reusable Technologies on FHIR API to read discrete data from EHRs for a phase 2 breast cancer clinical trial. In addition, HL7 FHIR is being used as the exchange standard between health IT and clinical research systems.

- Common Data Model Harmonization (Refs. 7, 8): Builds a data infrastructure for conducting patient-centered outcomes research using RWD derived from routine clinical settings. This project aims to establish mappings between various common data models and currently supported data models, including harmonization with HL7 FHIR US Core.

- Risk Evaluation and Mitigation Strategies (REMS) Integration and Interoperability Initiative:^{6,7} Explores

³ See FDA’s PQ/CMC web page at <https://www.fda.gov/industry/fda-data-standards-advisory-board/pharmaceutical-qualitychemistry-manufacturing-controls-pqcmcdandHL7PQ/CMC> project web page at <https://confluence.hl7.org/pages/viewpage.action?pageId=58656205>.

⁴ See HL7 SPL-FHIR project web page at <https://confluence.hl7.org/display/BRR/SPL+V3+to+a+FHIR-based+submission>.

⁵ See FDA’s web page at <https://www.fda.gov/science-research/advancing-regulatory-science/source-data-capture-electronic-health-records-ehrs-using-standardized-clinical-research-data> and the Quantum Leap Healthcare Collaborative web page at <https://www.quantumleaphealth.org/partnerships/onesource/>.

⁶ See HL7 CodeX REMS Integration and Interoperability Initiative Use Case project web page at <https://confluence.hl7.org/display/COD/Risk+Evaluation+and+Mitigation+Strategies+%28REMS%29+Integration>.

the use of standardized APIs, like the open source and freely available HL7 FHIR APIs, with pharmacy data standards, *i.e.*, National Council for Prescription Drug Programs SCRIPT, to integrate REMS into prescriber and pharmacy workflows. The use case ultimately aims to reduce REMS implementation burden, improve the quality of REMS data for feedback and evaluation, and optimize safe medication use and health outcomes.

These activities demonstrate FDA's commitment to information systems modernization as well as openness to using FHIR in general.

More generally, FDA is exploring approaches to modernize submissions of clinical study data collected from RWD sources to the Agency using FHIR, while ensuring alignment with other FDA policy regarding RWD and the work of ASTP/ONC. Given the ubiquity of FHIR-based data elements generated, exchanged, and used in healthcare organizations, and considering the overlap between healthcare data and the information required for clinical research from RWD sources, FDA seeks input from interested parties regarding the range of challenges to be addressed when considering the use of FHIR for submission of clinical study data collected from RWD sources. Additionally, the Agency is seeking feedback on possible approaches and challenges to structuring and standardizing study data submissions with RWD sources using FHIR while aligning with the data interoperability and exchange standards adopted by HHS through ASTP/ONC. Please use the questions in section II to frame your comments. Also, please specify which types of RWD source(s) are pertinent to your comment (for example, EHRs, insurance claims), if applicable.

II. Request for Comments

FDA is requesting public comment on the questions below. Given the context of the currently supported data standards and models, technical guides, terminologies, and exchange formats used for clinical and nonclinical study data submission to FDA, those used for RWD sources such as EHRs, and the need to align with ASTP/ONC health IT development as described above:

1. What challenges do you see for the pharmaceutical industry regarding the *current state* of submitting clinical study data collected from RWD sources to FDA?

2. What opportunities and/or challenges do you see for the pharmaceutical industry on reaching a future state of clinical study data submissions collected from RWD sources using HL7 FHIR (*e.g.*, business processes, technical considerations)?

3. What are your suggestions on how, from a data standards perspective, FDA might reach a future state of clinical study data submissions collected from RWD sources that aligns with ASTP/ONC health IT goals for HL7 FHIR-based exchange?

4. Does USCDI version 3 provide enough information for collecting RWD for research purposes? Is there information that USCDI version 3 does not sufficiently address?

5. Under TEFCA, a variety of "Exchange Purposes" are authorized. If "Research" was added as an "Exchange Purpose," what role could TEFCA play with using RWD for clinical research? How could TEFCA support more efficient collection and exchange of RWD for clinical research purposes? What challenges might exist with this approach?

III. References

The following references are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at <https://www.regulations.gov>. Although FDA verified the website addresses in this document, please note that websites are subject to change over time.

1. FDA, "Real-World Evidence," web page, September 19, 2024. Available at: <https://www.fda.gov/science-research/science-and-research-special-topics/real-world-evidence>.
2. FDA, "Data Standards for Drug and Biological Product Submissions Containing Real-World Data," guidance for industry, December 2023. Available at: <https://www.fda.gov/media/153341/download>.
3. HHS, "HHS Health IT Alignment Policy," web page, September 16, 2024. Available at: <https://www.healthit.gov/topic/hhs-health-it-alignment-policy>.
4. FDA, "CBER-CDER Data Standards Program Action Plan," August 2024. Available at: <https://www.fda.gov/media/180870/download?attachment>.
5. Deady, M., R. Duncan, L.D. Jones, et al. "Data Quality and Timeliness Analysis for Post-Vaccination Adverse Event Cases Reported Through Healthcare Data Exchange to FDA BEST Pilot Platform," *Front. Public Health*, 12:1379973, 2024. Available at: <https://www.frontiersin.org/journals/public-health/articles/10.3389/fpubh.2024.1379973/full>.
6. Deady, M., R. Duncan, M. Sonesen, et al.

"A Computable Phenotype Algorithm for Post-Vaccination Myocarditis/Pericarditis Detection Using Real-World Data: Validation Study," *J Med Internet Res*, 26:e54597, doi: 10.2196/54597, 2024. Available at: <https://www.jmir.org/2024/1/e54597>.

7. FDA, National Institutes of Health, and ONC Health IT, "Common Data Model Harmonization (CDMH) and Open Standards for Evidence Generation," final report, 2020. Available at: <https://aspe.hhs.gov/sites/default/files/private/pdf/259016/CDMH-Final-Report-14August2020.pdf>.
8. HHS Office of the Assistant Secretary for Planning and Evaluation, "Code Map Services for Interoperability of Common Data Models and Data Standards," web page, accessed November 20, 2024. Available at: <https://aspe.hhs.gov/code-map-services-interoperability-common-data-models-0>.

Dated: April 16, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025-06967 Filed 4-22-25; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2023-N-5706]

Voluntary Quality Management Maturity Prototype Assessment Protocol Evaluation Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for a limited number of drug manufacturing establishments to participate in the second year of the voluntary Quality Management Maturity Prototype Assessment Protocol Evaluation Program involving the use of a refined prototype assessment protocol to evaluate quality management maturity (QMM). The Center of Drug Evaluation and Research (CDER) implemented this voluntary program for manufacturers of CDER-regulated drug products to gain additional experience with, and further refine as necessary, the prototype assessment protocol and process, to help enable consistent and meaningful assessment of participating establishments' quality management practices, and to provide useful feedback to participants. This notice announces CDER's intent to continue the voluntary QMM Prototype Assessment Protocol Evaluation

⁷ See U.S. Medication REMS FHIR IG web page at <https://build.fhir.org/ig/HL7/fhir-medication-rems-ig/>.

Program, outlines the types of establishments CDER is seeking for participation, and describes the process for submitting a request to participate in the program.

DATES: CDER intends to accept requests to participate in the voluntary QMM Prototype Assessment Protocol Evaluation Program through June 9, 2025. See the “Participation” section of this document for instructions on submitting a request to participate and the selection process.

FOR FURTHER INFORMATION CONTACT: For questions about the voluntary QMM Prototype Assessment Protocol Evaluation Program: Djamilia Harouaka, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 4160, Silver Spring, MD 20993–0002, 240–402–0224, CDER-QMM@fda.hhs.gov. To submit a request to participate in the program: Conchetta Newton, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 4144, 240–402–6551, CDER-QMM@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

QMM refers to the extent to which drug manufacturing establishments implement quality management practices that prioritize patients, drive continual improvement, and enhance supply chain reliability through the strategic integration of business decisions and manufacturing operations with quality practices and technological advancements. CDER is in the process of developing a voluntary program to promote QMM at drug manufacturing establishments, which would encourage drug manufacturers to implement or improve their quality management practices.¹

Between October 2020 and March 2022, CDER conducted two pilot programs to assess the QMM of drug manufacturing establishments. The first pilot program evaluated the maturity of seven domestic manufacturers of finished dosage forms for the U.S. market.² The second pilot program evaluated the maturity of eight foreign manufacturers of active pharmaceutical

ingredients (APIs).³ Each pilot program was conducted by a different contractor. These pilot programs provided valuable insights for CDER to develop a protocol to assess establishments’ QMM, understand assessor behaviors during interviews of establishment personnel, and gather participant feedback on assessment questions, reports, and outcomes.⁴

Using the findings from these two pilot programs, a review of the literature on quality management, evaluations of existing external programs assessing elements of quality culture or pharmaceutical quality, surveys of external stakeholders, and feedback from partner offices and centers within FDA, CDER developed a prototype assessment protocol to evaluate an establishment’s QMM.⁵ This prototype assessment protocol included a series of questions in five practice areas: management commitment to quality,⁶ business continuity, technical excellence, advanced pharmaceutical quality system, and employee empowerment and engagement. Within each practice area, the prototype assessment protocol explores key elements of the establishment’s QMM. Examples of some topics covered under the practice areas include management review and resource management (management commitment to quality), supply planning and demand forecasting (business continuity), continual improvement⁷ (advanced

pharmaceutical quality system), data governance and process optimization (technical excellence), and rewards and recognition (employee engagement and empowerment).

In 2024, CDER evaluated nine establishments in the voluntary QMM Prototype Assessment Protocol Evaluation Program.⁸ CDER used the prototype assessment protocol to collect information on each establishment’s practices, behaviors, and responses to specific questions in five practice areas. The information collected was evaluated using an objective rubric. Trained assessors conducted 5-day assessments and provided establishments with a QMM report following the assessment. Each QMM report highlighted the establishment’s strengths and opportunities for improvement. Feedback from voluntary participants indicated that engagement with the QMM assessment team and the QMM reports were favorably received and provided value to the establishments. However, participants also indicated that certain aspects of the prototype assessment protocol were repetitive and suggested that the protocol should be streamlined.

The 2024 QMM Prototype Assessment Protocol Evaluation Program provided CDER with experience in the successful application of the prototype assessment tool across a group of volunteer establishments that reasonably reflected the diversity of the industry. The rubric effectively differentiated the maturity of quality management practices across the nine establishments assessed in 2024. Using the feedback received and insights gained from 2024, CDER modified its prototype QMM assessment tool to be clearer and more concise and updated the rubric. We also modified how some of the questions are framed for greater clarity. CDER intends to evaluate these improvements and further refine the prototype protocol as necessary by continuing the voluntary program and offering the opportunity to establishments that wish to volunteer to participate in 2025. This notice announces CDER’s intent to continue the voluntary QMM Prototype Assessment Protocol Evaluation Program, outlines the types of establishments CDER is seeking for participation, and describes the process for submitting a request to participate in the program.

¹ In 2023, CDER solicited comments to inform the development of a future QMM program. Then, in 2024, CDER initiated a voluntary QMM Prototype Assessment Protocol Evaluation Program. See 88 FR 63587, September 15, 2023, and 89 FR 4950, January 25, 2024, respectively.

² Quality Management Maturity for Finished Dosage Forms Pilot Program for Domestic Drug Product Manufacturers; Program Announcement, 85 FR 65824, October 16, 2020, <https://www.federalregister.gov/d/2020-22976>.

³ Quality Management Maturity for Active Pharmaceutical Ingredients Pilot Program for Foreign Facilities; Program Announcement, 85 FR 65828, October 16, 2020, <https://www.federalregister.gov/d/2020-22977>.

⁴ Maguire, J., A. Fisher, D. Harouaka, et al., “Lessons from CDER’s Quality Management Maturity Pilot Programs,” *AAPS J.* 25(14), January 10, 2023, <https://doi.org/10.1208/s12248-022-00777-z>.

⁵ For additional information, see CDER’s “Quality Management Maturity (QMM) Program: Practice Areas and Prototype Assessment Protocol Development” (2023), available at <https://www.fda.gov/media/171705/download>.

⁶ Note that this practice area was previously referred to as ‘leadership’ (89 FR 4950 at 4951). We have since modified this to “management commitment to quality” to align with what the practice area was titled at the time that specific prototype was developed and as discussed in our 2023 QMM white paper: CDER’s Quality Management

Maturity (QMM) Program: Practice Areas and Prototype Assessment Protocol Development (see <https://www.fda.gov/media/171705/download>). “Management Commitment to Quality” more accurately reflects the topic areas covered in this practice area.

⁷ Note that the example in the previous **Federal Register** Notice (89 FR 4950 at 4951) was “corrective action and preventive action process” (89 FR 4950 at 4951). That has since been replaced with “Continual improvement” as an example to align with modifications that were made to the prototype assessment protocol.

⁸ See 89 FR 4950, January 25, 2024.

II. Participation

A. Establishment Characteristics

CDER will consider the following establishment characteristics when identifying potential participants for this voluntary QMM Prototype Assessment Protocol Evaluation Program:

- The potential participant is an establishment as defined in 21 CFR 207.1 that registers with FDA under section 510 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) and manufactures, prepares, propagates, compounds, or processes drugs, or APIs used in such drugs, subject to approval or licensure under section 505 of the FD&C Act or section 351 of the Public Health Service Act, or that are marketed pursuant to section 505G of the FD&C Act without an approved application under section 505 of the FD&C Act (often referred to as over-the-counter (OTC) monograph drug products).

- The establishment has received at least one human drug surveillance inspection.⁹

- The current inspection classification for the establishment at the time of the request to participate is No Action Indicated or Voluntary Action Indicated.

- The establishment manufactures, prepares, propagates, compounds, or processes at least one CDER-regulated drug (API or finished drug product) that is currently in commercial distribution in the United States.

- The establishment is willing to participate in an onsite or hybrid assessment.

B. Requests To Participate

Drug product manufacturers that meet the establishment characteristics described in Section II.A and are interested in participating in the voluntary QMM Prototype Assessment Protocol Evaluation Program should submit a request directly to Conchetta Newton (see **FOR FURTHER INFORMATION CONTACT**). To be considered for this program, a request should include all the following information:

- (1) A contact person (name and email).

- (2) Manufacturing establishment address.

- (3) FDA Establishment Identifier and Data Universal Numbering System Numbers.

- (4) A brief description of the business operations (e.g., manufacturing, testing, re/packaging, re/labeling, sterilizing, storing, distributing, or salvaging) conducted at the establishment. Please indicate whether you produce APIs, generic drugs, innovator drugs, OTC drugs, biological drug products, and if you are a contract manufacturing or contract testing organization.

- (5) Confirmation that the establishment features the characteristics discussed in Section II.A of this notice.

To be eligible to participate in this 2025 program, establishments should submit a request to participate within the request acceptance period as discussed in the **DATES** section. This applies to all establishments regardless of whether they previously submitted a request to participate in the 2024 QMM Prototype Assessment Protocol Evaluation Program.

C. Selection Process

CDER intends to select participants that reasonably reflect the diversity of the industry. CDER intends to notify each establishment of a decision on their request to participate within 45 days after the close of the request acceptance period as discussed in the **DATES** section when this notice closes. CDER intends to select up to nine volunteer participants for this program.

D. CDER-Participant Interactions

CDER intends to notify participants of their selection and confirm participation. This notification would include information about a virtual orientation session in which CDER would share additional information with participating establishments including the program timelines, milestones, and expectations. Participating establishments would also receive a pre-assessment questionnaire, which provides specific topic areas that would be addressed during the assessment, help to prepare in advance of the assessment, and help determine which personnel would be most appropriate to provide supporting information. CDER intends to provide each establishment with options for dates to schedule the 5-day assessment.

Teams of three assessors would conduct each assessment. The QMM assessment team would be composed of CDER staff not including personnel from FDA's Office of Inspections and Investigations charged with the responsibility of ensuring compliance with current good manufacturing

practice. In advance of the assessment, the establishment would receive an agenda to ensure the appropriate people are present at the requested times. The entire leadership team would not need to be present for the full assessment. If necessary, personnel may participate remotely.

Following completion of the assessment, each participating establishment would receive a report that provides, for each practice area: their score, a narrative, areas of strength, and opportunities for improvement. After reviewing the report, participating establishments would meet with the QMM assessment team to discuss any questions or comments they have regarding the report.

In the post-assessment phase of this program, participating establishments will be encouraged to select at least one opportunity to improve from the QMM report and develop an improvement plan with defined goal(s) based on that opportunity. Approximately 3 months after receipt of the QMM report, participating establishments will share their improvement plan with CDER and meet to discuss their plan and path forward. Approximately 6 months after receipt of the QMM report, CDER will schedule a final meeting with the participating establishment to discuss any progress made toward achieving their improvement goal(s). CDER will also solicit feedback from each participating establishment on the assessment, the report, and any suggestions or input they wish to share. This information will help CDER evaluate use of its QMM assessment tool and process to determine whether it enables a meaningful assessment of the establishment's quality management practices and if the feedback provided to the establishment was useful.

Dated: April 16, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025-06968 Filed 4-22-25; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2025-N-0647]

Issuance of Priority Review Voucher; Material Threat Medical Countermeasure Product; EBANGA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

⁹Inspections conducted by FDA or by Mutual Recognition Agreement partners and classified by FDA fulfill this criterion. We also updated the original characteristic ("The establishment has received at least one human drug surveillance inspection in the prior 5 years," as published in 89 FR 4950 at 4951) to remove the 5-year timeframe and expand the number of potential establishments that could be eligible to participate.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a material threat medical countermeasure (MCM) product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to award priority review vouchers to sponsors of approved material threat MCM product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that EBANGA (ansuvimab-zykl) for injection, approved on December 21, 2020, manufactured by Ridgeback Biotherapeutics, LP, meets the criteria for a material threat MCM priority review voucher.

FOR FURTHER INFORMATION CONTACT: Andrea Gormley, Counter-Terrorism and Emergency Coordination Staff, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., 2nd Floor, Silver Spring, MD 20993-0002, 301-796-2210 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a material threat MCM priority review voucher to the sponsor of an approved material threat MCM product application. Under section 565A of the FD&C Act (21 U.S.C. 360bbb-4a), FDA will award priority review vouchers to sponsors of approved material threat MCM product applications that meet certain criteria upon approval of those applications. FDA has determined EBANGA (ansuvimab-zykl), manufactured by Ridgeback Biotherapeutics, LP, meets the criteria for a material threat MCM priority review voucher. EBANGA was approved on December 21, 2020, for the treatment of infection caused by *Zaire ebolavirus* in adult and pediatric patients, including neonates born to a mother who is RT-PCR positive for *Zaire ebolavirus* infection.

For further information about the material threat MCM Priority Review Voucher Program and for a link to the full text of section 565A of the FD&C Act, go to <https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/21st-century-cures-act-mcm-related-cures-provisions#prv>. For further information about EBANGA (ansuvimab-zykl) for injection, go to the "Drugs@FDA" website at <http://www.accessdata.fda.gov/scripts/cder/daf/>.

Dated: April 16, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025-06970 Filed 4-22-25; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[Docket No. USCBP-2025-0013]

Receipt of Domestic Interested Party Petition Concerning the Tariff Classification of Cane Sugar Molasses and Liquid Sugar

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of receipt of domestic interested party petition; solicitation of comments.

SUMMARY: U.S. Customs and Border Protection (CBP) has received a petition submitted on behalf of a domestic interested party requesting the reclassification, under the Harmonized Tariff Schedule of the United States (HTSUS), of certain cane sugar molasses and liquid sugar. CBP currently classifies the subject cane sugar molasses under subheading 1703.10.30, HTSUS, as molasses, and the liquid sugar under subheading 1702.90.40, HTSUS. Petitioner contends that the proper classification for the subject cane sugar molasses and liquid sugar is under subheading 1702.90.10, HTSUS, or subheading 1702.90.20, HTSUS, as "sugar syrups." This document invites comments regarding the correctness of the current classification.

DATES: Comments must be received on or before June 23, 2025.

ADDRESSES: Please submit comments, identified by docket number, by the following method:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments via docket number USCBP-2025-0013.

Instructions: All submissions received must include the agency name and docket number for this notice of domestic interested party petition concerning the tariff classification of cane sugar molasses and liquid sugar. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents, exhibits, or comments received, go to <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Marie Durane, Food, Textiles and Marking Branch, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, at (202) 325-0984 or by email at marie.durane@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

Background

A petition was filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), on behalf of the American Sugar Coalition (Petitioner or ASC) and its members. ASC is a national coalition that consists of sugar beet and sugar cane farmers, sugar cane millers, sugar beet processors, and sugar cane refiners, either through their membership in various trade associations, or in their individual capacity. Members of the ASC individually manufacture, produce, or wholesale raw and refined sugar in the United States, and Petitioner represents that they produce over 95 percent of all raw and refined sugar in the United States. ASC meets all the requirements of a domestic interested party set forth in 19 U.S.C. 1516(a)(2) and section 175.3(a) in title 19 of the Code of Federal Regulations (19 CFR 175.3(a)).

In New York Ruling Letter (NY) N309706 (March 10, 2020), CBP classified the product described as refiner's molasses in subheading 1703.10.3000, Harmonized Tariff Schedule of the United States Annotated (HTSUSA),¹ which provides for "Molasses resulting from the extraction or refining of sugar: Cane Molasses: Imported for (a) the commercial extraction of sugar or (b) human consumption." In NY N324972 (June 24, 2022), CBP classified liquid sugar in subheading 1702.90.4000, HTSUSA, which provides for "Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavoring or coloring matter; artificial honey, whether or not mixed with natural honey; caramel: Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 percent by weight of fructose: Derived from sugar cane or sugar beets: Other: Other."

¹ Please note that when referencing a heading or subheading up to the 8-digit level of the Harmonized Tariff Schedule of the United States, CBP cites to the Harmonized Tariff Schedule of the United States or "HTSUS." When referencing a 10-digit subheading level of the Harmonized Tariff Schedule of the United States, CBP cites to the Harmonized Tariff Schedule of the United States Annotated or "HTSUSA," which is used for statistical reporting purposes.

Petitioner contends that the refiner's molasses and liquid sugar, which were the subject of the two rulings, and the cane sugar molasses that is currently being imported at the Port of Buffalo are classified in subheading 1702.90.1000, HTSUSA, which provides for "Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavoring or coloring matter; artificial honey, whether or not mixed with natural honey; caramel: Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 percent by weight of fructose: Derived from sugar cane or sugar beets: Containing soluble non-sugar solids (excluding any foreign substances, including but not limited to molasses, that may have been added to or developed in the product) equal to 6 percent or less by weight of the total soluble solids: Described in additional U.S. note 5 to this Chapter and entered pursuant to its provisions," or in subheading 1702.90.2000, HTSUSA, if not described in additional U.S. Note 5 to Chapter 17, HTSUS, and not entered pursuant to its provisions.

Applicable Legal Principles

Classification under the HTSUS is determined in accordance with the General Rules of Interpretation (GRIs) and, in the absence of special language or context which otherwise requires, by the Additional U.S. Rules of Interpretation (ARIs). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, GRIs 2 through 6 may be applied in order.

Additional U.S. Note (AUSN) 10 to Chapter 17, HTSUS, provides that "Heading 1703 does not include products derived from sugar cane or sugar beet and containing soluble non-sugar solids (excluding any foreign substance that may have been added or developed in the product) equal to 6 percent or less by weight of the total soluble solids."

The Explanatory Notes (ENs) to the Harmonized Commodity Description and Coding System represent the official interpretation of the tariff at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings. See Treasury Decision (T.D.) 89-80, 54 FR 35127, 35128

(August 23, 1989). The ENs for heading 17.02, state, in pertinent part, that the heading also covers "sugar syrups" which include "juices and syrups obtained during the extraction of sugars from sugar beet, sugar cane, etc." Moreover, the ENs for heading 17.03, state, the following:

Molasses of this heading is obtained only as a result of the extraction or refining of sugar. It is most commonly obtained as a normal by-product resulting from the extraction or refining of beet or cane sugar or from the production of fructose from maize (corn). It is a brown or blackish viscous substance containing an appreciable amount of sugar which cannot readily be crystallised. However, it may be powdered.

Beet sugar molasses is not normally eaten as such, but certain refined forms of sugar cane molasses and corn molasses are suitable for human consumption and are sold as treacle or as table syrups. The main uses of molasses are as the raw material from which alcohols and alcoholic beverages are distilled (e.g., rum from sugar cane molasses), in the preparation of cattle foods and coffee substitutes. It is also sometimes used for the extraction of sugar.

Molasses of this heading may be decolourised, coloured or flavoured.

Elaboration of the Petitioner's Views

Petitioner contends that the proper classification for the subject cane sugar molasses and liquid sugar is in subheading 1702.90.1000, HTSUSA, which provides for "Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavoring or coloring matter; artificial honey, whether or not mixed with natural honey; caramel: Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 percent by weight of fructose: Derived from sugar cane or sugar beets: Containing soluble non-sugar solids (excluding any foreign substances, including but not limited to molasses, that may have been added to or developed in the product) equal to 6 percent or less by weight of the total soluble solids: Described in additional U.S. note 5 to this Chapter and entered pursuant to its provisions," or in subheading 1702.90.2000, HTSUSA, if not described in additional U.S. Note 5 to Chapter 17, HTSUS, and not entered pursuant to its provisions, and therefore are appropriately classified as "sugar syrups" under subheading 1702.90.1000, HTSUSA, or subheading 1702.90.2000, HTSUSA, pursuant to GRI 1.

Petitioner argues that the liquid sugar product in NY N324972, the refiner's molasses in NY N309706, and the cane sugar molasses that is currently being imported at the Port of Buffalo are cane

sugar run-off syrup and not molasses as described in heading 1703, HTSUS. Specifically, Petitioner argues that the products do not meet the requirements of AUSN 10 to Chapter 17, HTSUS, and the requirements in the ENs to heading 1703, HTSUS. In addition, with respect to NY N324972, Petitioner argues that the ruling lacks details regarding the product's soluble non-sugar solid content, and whether or not any foreign substances were added during the manufacturing process and, as a result, the ruling should be reconsidered.

Based on these factors, Petitioner urges CBP to find that the subject cane sugar molasses and liquid sugar are "sugar syrups." It is Petitioner's view that the products are cane sugar run-off syrups that do not contain over six percent soluble non-sugar solids, unless a refinery is deliberately adding a foreign substance during the manufacturing process or deliberately causing a foreign substance to be developed in the product by adjusting its refining process to operate in a manner that is not commercially or economically reasonable. Moreover, Petitioner argues that the products do not have the physical and chemical characteristics of molasses. In support of its argument, Petitioner relies on the industry standard production process for molasses, the dictionary definitions of molasses and the ordinary meaning of molasses in the trade, and the legislative history of the tariff provisions covering sugar and molasses.

Analysis Used by CBP in Prior Rulings

Subheading 1703.10.3000, HTSUSA, provides for "Molasses resulting from the extraction or refining of sugar: Cane Molasses: Imported for (a) the commercial extraction of sugar or (b) human consumption." Heading 1703, HTSUS, applies to molasses "resulting from the extraction or refining of sugar." The ENs to heading 17.03 HTSUS, state, in pertinent part, that, "Molasses of this heading is obtained only as a result of the extraction or refining of sugar. It is most commonly obtained as a normal by-product resulting from the extraction or refining of beet or cane sugar or from the production of fructose from maize (corn)." AUSN 10 to Chapter 17, HTSUS, specifies that the type of molasses covered by heading 1703, HTSUS, includes "products derived from sugar cane or sugar beet and containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to 6 percent or less by weight of the total soluble solids." In NY N309706, the subject refiner's molasses is refined from Brazilian raw

cane sugar. The ruling provides that, “[t]he raw cane sugar is melted, purified, crystallized, mixed with partially recovered sugar, and the residual is removed.” The refiner’s molasses is said to have a total sugar content of 64.4 percent composed of 2.1 percent fructose, 2.3 glucose, and 60 percent sucrose. The refiner’s molasses in NY N309706 is classified per GRIs 1 and 6 as molasses in subheading 1703.10.3000, HTSUSA, because it meets the terms of AUSN 10 to Chapter 17, HTSUS, and the ENs to heading 17.03, HTSUS.

Subheading 1702.90.4000, HTSUSA, provides for “Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavoring or coloring matter; artificial honey, whether or not mixed with natural honey; caramel: Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 percent by weight of fructose: Derived from sugar cane or sugar beets: Other: Other.” The ENs to heading 17.02, HTSUS, provide for sugar syrups, and include “juices and sugars” obtained during the extraction of sugars from sugar beet, sugar cane, etc. In NY N324972, the liquid sugar contains 66.7 percent sugar, 33.3 percent water and trace amounts of calcium hydroxide. The liquid sugar is made from raw cane sugar from Brazil that is granulated, diluted with water, heated, filtered, and packed. The liquid sugar in NY N324972 is classified under subheading 1702.90.4000, HTSUSA, pursuant to GRIs 1 and 6, because the product is liquid sugar made from the extraction of sugars in sugar cane.

Comments

Pursuant to 19 CFR 175.21, before making a determination on this matter, CBP invites written comments on the petition, from interested parties.

The domestic interested party petition concerning the tariff classification of cane sugar molasses and liquid sugar, as well as all comments received in response to this notice, will be available for public inspection on the docket at <https://www.regulations.gov>.

Authority

This notice is published in accordance with 19 U.S.C. 1516 and 19 CFR 175.21.

Pete Flores, Acting Commissioner, having reviewed and approved this document, has delegated the authority to electronically sign the document to the Director (or Acting Director, if applicable) of the Regulations and Disclosure Law Division of CBP, for

purposes of publication in the **Federal Register**.

Robert F. Altneu,

Director, Regulations & Disclosure Law Division, Regulations & Rulings, Office of Trade, U.S. Customs and Border Protection.

[FR Doc. 2025-07021 Filed 4-22-25; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: Speaker Request Form

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652-0075, abstracted below to OMB for review and approval under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves point of contact information for the person/organization requesting a TSA speaker; logistical information for that speaking engagement; and context for the request to determine the audience reach, any ethical concerns, and possible promotion of the speaking engagement.

DATES: Send your comments by May 23, 2025. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” and by using the find function.

FOR FURTHER INFORMATION CONTACT:

Christina A. Walsh, TSA PRA Officer, Information Technology, TSA-11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598-6011; telephone (571) 227-2062; email TSAPRA@tsa.dhs.gov.

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of

information on December 27, 2024, 89 FR 105620. TSA did not receive any comments on the notice.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at <https://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency’s estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) 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.

Information Collection Requirement

Title: Speaker Request Form.

Type of Request: Extension.

OMB Control Number: 1652-0075.

Form(s): Speaker Request Form.

Affected Public: The general public requesting a TSA speaker.

Abstract: To respond to public speaking invitations, TSA has created the Speaker Request Form, which collects information on the requestor and the event a speaker would attend. The form requests information related to the organization and the event, such as the event sponsor, event details, and point of contact information.

TSA is submitting the form as a Common Form to permit Federal agency users beyond the agency that created the form (e.g., Department of Homeland Security or U.S. Office of Personnel Management) to streamline the information collection process in coordination with OMB.

Estimated Annual Number of Respondents: 300.

Estimated Annual Burden Hours: 50.

Dated: April 18, 2025.

Christina A. Walsh,

*TSA Paperwork Reduction Act Officer,
Information Technology, Transportation
Security Administration.*

[FR Doc. 2025-06959 Filed 4-22-25; 8:45 am]

BILLING CODE 9110-05-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Extension From OMB of One Current Public Collection of Information: Law Enforcement Officers Safety Act and Retired Badge/ Credential

AGENCY: Transportation Security
Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652-0071, that we will submit to OMB for an extension in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. This collection involves the submission of information from certain current and former TSA employees who are interested in obtaining a Law Enforcement Officers Safety Act of 2004 (LEOSA) Identification (ID) Card, a retired badge, and/or a retired credential.

DATES: Send your comments by June 23, 2025.

ADDRESSES: Comments may be emailed to TSAPRA@tsa.dhs.gov or delivered to the TSA PRA Officer, Information Technology, TSA-11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598-6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone at (571) 227-2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at <https://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information

collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) 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.

Information Collection Requirement LEOSA

OMB Control Number 1652-0071; Law Enforcement Officers Safety Act and Retired Badge/Credential. Under 18 U.S.C. 926C, which codifies a portion of LEOSA,¹ a “qualified retired law enforcement officer” may carry a concealed firearm in any jurisdiction in the United States, regardless of State or local laws, with certain limitations and conditions. In accordance with LEOSA, the Department of Homeland Security (DHS) issued DHS Directive and Instruction Manual 257-01, *Law Enforcement Officers Safety Act* (Dec. 22, 2017). DHS Directive 257-01 requires DHS components to implement the provisions of LEOSA pertaining to qualified retired Law Enforcement Officers (LEOs) as cost-effectively and efficiently as possible consistent with the requirements and intent of the statute for LEOs formerly employed by DHS and predecessor agencies.

TSA subsequently issued TSA Management Directive (MD) 3500.1, *LEOSA Applicability and Eligibility* (June 5, 2018), to implement the LEOSA statute and DHS directive. Under this MD, TSA issues photographic identification to retired LEOs who separated or retired from TSA in “good standing” and meet other qualification requirements identified in this MD.

Retired Badge/Credential

Under TSA MD 2800.11, *Badge and Credential Program*, a TSA employee retiring from Federal service is eligible to receive a “retired badge and/or credential” if the individual: (1) was

issued a badge and/or credential, (2) qualifies for a Federal annuity under the Civil Service Retirement System or the Federal Employees Retirement System, and (3) meets all of the other qualification requirements under the MD.²

If the employee is approved for a retired badge and/or credential, his or her badge and/or credential will be replicated by TSA and marked with the word “RETIRED,” to indicate that the retired employee no longer has the authority to perform specific official functions pursuant to law, statute, regulation, or DHS Directive. In the case of a retired LEO, the individual is prohibited from using the TSA retired credential as photographic identification for the purposes of the LEOSA.

Under TSA's current application process for these two programs, qualified applicants may apply for a LEOSA ID Card, a retired badge, and/or a retired credential, as applicable, either while still employed by TSA (shortly before separating or retiring) or after they have separated or retired (after they become private citizens, *i.e.*, are no longer employed by the Federal Government).

The LEOSA ID Card Application (TSA Form 2825A) requires collection of identifying information, contact information, official title, separation date, and last known field office. Identifying information, such as the date of birth and social security number, are necessary to confirm the individual's identity and to process the individual through the National Crime Information Center database. Similarly, for purposes of a retired badge and/or credential, TSA Form 2808-R, *Retired Badge and/or Retired Credential Application*, requires collection of identifying information, contact information, TSA employment/position information (TSA component or Government agency), official title, and entry on duty date. This collection of information is necessary to confirm the identity of the individual, conduct the necessary qualification process to determine the individual's eligibility for a retired badge and/or credential, and to contact the individual if needed.

Based on current data, TSA estimates 168 *TSA Forms 2825A* and 170 *TSA Forms 2808-R* will be submitted, for a total of 338 respondents annually. Some applications will be rejected, so TSA estimates it will also receive three

¹ Public Law 108-277 (118 Stat. 865, July 22, 2004), codified in 18 U.S.C. 926B and 926C, as amended by the Law Enforcement Officers Safety Act Improvements Act of 2010 (Pub. L. 111-272 (124 Stat. 2855; Oct. 12, 2010)) and National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239 (126 Stat. 1970; Jan. 2, 2013)).

² These instructions are included in DHS Instruction: 121-01-002 (Issuance and Control of DHS Badges); DHS Instruction 121-01-008 (Issuance and Control of the DHS Credentials); and the associated Handbook for TSA MD 2800.11.

requests to review rejected applications. It takes approximately 5 minutes (0.08333 hours) to complete either form, plus 8 hours to prepare a request to review a rejected application, so the total annual hour burden to the public will be 52.17 hours $((338 \times 0.0833 \text{ hours} = 28.17) + (3 \times 8 \text{ hours} = 24))$.

Dated: April 17, 2025.

Christina A. Walsh,

*TSA Paperwork Reduction Act Officer,
Information Technology, Transportation
Security Administration.*

[FR Doc. 2025-06935 Filed 4-22-25; 8:45 am]

BILLING CODE 9110-05-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: TSA End of Course Level 1 Evaluation—Instructor-Led Classroom Training

AGENCY: Transportation Security
Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652-0041, abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of ratings and written comments about the quality of training instruction from students who successfully complete TSA instructor-led classroom training at the Canine Training Center (CTC).

DATES: Send your comments by May 23, 2025. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" and by using the find function.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Information Technology, TSA-11, Transportation Security Administration,

6595 Springfield Center Drive, Springfield, VA 20598-6011; telephone (571) 227-2062; email TSAPRA@tsa.dhs.gov.

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on December 5, 2024, 89 FR 96664. TSA did not receive any comments on the notice.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at <https://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

- (1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) 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.

Information Collection Requirement

Title: TSA End of Course Level 1 Evaluation—Instructor-Led Classroom Training.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652-0041.

Form(s): TSA Form 1904A.

Affected Public: Canine Handlers.

Abstract: TSA's CTC delivers instructor-led classroom training, including the Explosives Detection Canine Handler Course, Passenger Screening Canine Handler Course, Bridge Course, Canine Training Instructor Course, and the Security Operations Canine Management Course, to TSA as well as to state and local civilian personnel. Federal, state, and local civilian personnel, primarily consisting of law enforcement agencies that are responsible for the security at domestic airports, participate in this classroom training under agency-

specific cooperative agreements with TSA's National Explosives Detection Canine Team Program. This information collection captures ratings and written comments from students about the quality of the training.

The CTC collects the evaluation data to determine students' satisfaction with their learning experience and provides it to representatives at both TSA headquarters and at CTC (e.g., to the Branch Manager, Deputy Branch Manager, and CTC instructional staff and supervisors) to improve the course curriculum and course of instruction.

Estimated Annual Number of

Respondents: 156.

Estimated Annual Burden Hours: 78 hours.

Dated: April 18, 2025.

Christina A. Walsh,

*TSA Paperwork Reduction Act Officer,
Information Technology, Transportation
Security Administration.*

[FR Doc. 2025-06964 Filed 4-22-25; 8:45 am]

BILLING CODE 9110-05-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA-2005-21866]

Extension of Agency Information Collection Activity Under OMB Review: Enhanced Security Procedures at Ronald Reagan Washington National Airport

AGENCY: Transportation Security
Administration, Department of
Homeland Security.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652-0035, abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection requires General Aviation (GA) aircraft operators to designate a security coordinator and adopt a DCA Access Standard Security Program (DASSP). The collection also involves obtaining information for Armed Security Officers (ASOs).

DATES: Send your comments by May 23, 2025. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” and by using the find function.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Information Technology, TSA-11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598-6011; telephone (571) 227-2062; email TSAPRA@tsa.dhs.gov.

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on November 25, 2024, 89 FR 92960. TSA received no comments on the notice.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at <https://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

- (1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) 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.

Information Collection Requirement

Title: Enhanced Security Procedures at Ronald Reagan Washington National Airport.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652-0035.

Form(s): DCA Access Standard Security Program (DASSP) Aircraft Operator Application Form.

Affected Public: GA aircraft operators and passengers, ASOs, flight crewmembers, fixed base operators, and gateway airport operators.

Abstract: TSA is requesting an extension of this information collection. In accordance with 49 CFR part 1562, subpart B, TSA requires GA aircraft operators who wish to fly into or out of DCA to designate a security coordinator and adopt the DASSP. Once aircraft operators have complied with the DASSP requirements, they must request a slot reservation from the Federal Aviation Administration (FAA) and request authorization from TSA for each flight into and out of DCA. This information collection is approved under OMB control number 1652-0033, TSA Airspace Waiver Applications.

As part of the DASSP requirements, individuals designated as security coordinators, ASOs, and flight crewmembers assigned to duty on a GA aircraft flying into and out of DCA must submit fingerprints for a Criminal History Records Check (CHRC). In addition, GA aircraft operators must also maintain CHRC records of all employees and authorized representatives for whom a CHRC has been completed.

Under the Armed Security Officer Program, DASSP approved entities can nominate candidates through an online nomination form. Once approved by TSA to participate, the candidates are vetted for suitability for the program by providing various application materials. A law enforcement employment verification check is then completed. In addition, they are required to submit their fingerprints so that a CHRC can be conducted. Upon successful completion of the application process, a final determination of eligibility is adjudicated. All qualified applicants must then successfully complete a TSA-approved training course.

Estimated Number of Respondents: 162.

Estimated Annual Burden Hours: 176.

Dated: April 18, 2025.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology, Transportation Security Administration.

[FR Doc. 2025-07025 Filed 4-22-25; 8:45 am]

BILLING CODE 9110-05-P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR-2011-0012; DS63644000 DRT000000.CH7000 256D1113RT]

Major Portion Prices and Due Date for Additional Royalty Payments on Gas Produced From Indian Lands in Designated Areas That Are Not Associated With an Index Zone

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice.

SUMMARY: In accordance with regulations governing valuation of gas produced from Indian lands, ONRR is publishing this notice in the **Federal Register** of the major portion prices applicable to calendar year 2023 and the date by which a lessee must pay any additional royalties due under major portion pricing.

DATES: The due date to pay additional royalties based on the major portion prices is June 30, 2025.

FOR FURTHER INFORMATION CONTACT: Robert Sudar, Market & Spatial Analytics, by telephone at (303) 231-3511 or email at Robert.Sudar@onrr.gov for questions on major portion prices and Tonisha Seader, Data Intake, Solutioning, and Coordination, by telephone at (303) 231-3478 or email at Tonisha.Seader@onrr.gov for questions on reporting information.

SUPPLEMENTARY INFORMATION: Pursuant to 30 CFR 1206.174(a)(4)(ii), ONRR must publish major portion prices for each designated area that is not associated with an index zone for each production month, as well as the due date to submit any additional royalty payments. If a lessee owes additional royalties, it must submit an amended form ONRR-2014, *Report of Sales and Royalty Remittance*, to ONRR and pay the additional royalties due by the due date. If a lessee fails to timely pay the additional royalties, late payment interest begins to accrue pursuant to 30 CFR 1218.54. The interest will accrue from the due date until ONRR receives payment.

The table below lists major portion prices for designated areas that are not associated with an index zone.

GAS MAJOR PORTION PRICES (\$/MMBtu) FOR DESIGNATED AREAS NOT ASSOCIATED WITH AN INDEX ZONE

ONRR-designated areas	Jan 2023	Feb 2023	Mar 2023	Apr 2023
Fort Berthold Reservation	\$4.38	\$3.20	\$2.03	\$1.55
Fort Peck Reservation	6.72	5.16	2.00	6.08
Navajo Allotted Leases in the Navajo Reservation	27.43	11.24	3.02	2.58
Turtle Mountain Reservation	6.46	5.43	3.02	2.78
ONRR-designated areas	May 2023	Jun 2023	Jul 2023	Aug 2023
Fort Berthold Reservation	\$1.47	\$1.57	\$1.74	\$1.69
Fort Peck Reservation	1.59	6.08	1.82	1.79
Navajo Allotted Leases in the Navajo Reservation	1.95	2.15	2.85	3.73
Turtle Mountain Reservation	1.60	1.70	1.82	1.79
ONRR-designated areas	Sep 2023	Oct 2023	Nov 2023	Dec 2023
Fort Berthold Reservation	\$1.75	\$1.63	\$1.86	\$1.60
Fort Peck Reservation	6.08	1.76	2.03	2.16
Navajo Allotted Leases in the Navajo Reservation	2.68	2.31	3.37	3.61
Turtle Mountain Reservation	1.77	1.76	2.04	2.17

For information on how to report additional royalties due to major portion prices, please refer to ONRR's Dear Payor letter, dated December 1, 1999, which is available at <https://www.onrr.gov/reporter-letters/991201.pdf>.

Authorities: Indian Mineral Leasing Act, 25 U.S.C. 396a–g; Act of March 3, 1909, 25 U.S.C. 396; and the Indian Mineral Development Act of 1982, 25 U.S.C. 2103 *et seq.*

Howard Cantor,
Director, Office of Natural Resources Revenue.

[FR Doc. 2025–06982 Filed 4–22–25; 8:45 am]

BILLING CODE 4335–30–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Mobile Satellite Services Association

Notice is hereby given that, on March 20, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Mobile Satellite Services Association (“MSSA”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Addvalue Innovation Pte Ltd., Singapore, REPUBLIC OF SINGAPORE; Syniverse Technologies,

Tampa, FL; and Simnovus Corporation, Cary, NC have joined as parties to this venture.

No other changes have been made in either the membership or the planned activity of MSSA. Membership in MSSA remains open and MSSA intends to file additional written notifications disclosing all changes in membership.

On April 26, 2024, MSSA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 21, 2024 (89 FR 52089).

The last notification was filed with the Department on December 17, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 28, 2025 (90 FR 8302).

Suzanne Morris,
Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2025–06926 Filed 4–22–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Resilient Infrastructure + Secure Energy Consortium

Notice is hereby given that, on April 7, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), the Resilient Infrastructure + Secure Energy Consortium (“RISE”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were

filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, AlumaPower Energy, Inc. dba AlumaPower, Sarnia, CANADA; Black Orchid Business Group, Stockton, CA; Capitol Funding Solutions, Washington, DC; Catshot Group LLC, Cataumet, MA; Chariot Defense, San Bruno, CA; GTI Energy, Des Plaines, IL; Pratt & Miller Engineering & Fabrication LLC, New Hudson, MI; SciNcite LLC, Elkton, MD; V.G. Baryakhtar's Fund of International Science Support, Vilnius, REPUBLIC OF LITHUANIA; and V.I. Vernadsky Taurida National University, Kyiv, UKRAINE, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and RISE intends to file additional written notifications disclosing all changes in membership.

On July 2, 2021, RISE filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on August 23, 2021 (86 FR 47155).

The last notification was filed with the Department on January 6, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 28, 2025 (90 FR 10944).

Suzanne Morris,
Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2025–06923 Filed 4–22–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE**Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Institute of Electrical and Electronics Engineers, Inc.**

Notice is hereby given that, on April 10, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), The Institute of Electrical and Electronics Engineers, Inc. (“IEEE”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 82 new standards have been initiated and 27 existing standards are being revised. More detail regarding these changes can be found at:

<https://standards.ieee.org/about/sas/sba/12feb2025/>.

<https://standards.ieee.org/about/sas/sba/27mar2025/>.

The following pre-standards activities associated with IEEE Industry Connections Activities were launched or renewed:

<https://standards.ieee.org/about/bog/cag/approvals/april2025/>.

On September 17, 2004, IEEE filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 3, 2004 (69 FR 64105).

The last notification was filed with the Department on December 19, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 3, 2025 (90 FR 8817).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2025–06921 Filed 4–22–25; 8:45 am]

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et seq. (“the Act”), Information Warfare Research Project Consortium (“IWRP”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Adapt Forward LLC, North Charleston, SC; Atlantic Diving Supply, Inc., Virginia Beach, VA; Cloudera Government Solutions, Inc., McLean, VA; Collaboration Link LLC, Shreveport, LA; DataRobot Government Solutions, Inc., Boston, MA; Decisive LLC, Litchfield Park, AZ; Design Interactive, Inc., Orlando, FL; Diversified Technologies, Inc., Bedford, MA; Exponent, Inc., Menlo Park, CA; Gradient Marine, San Diego, CA; Highbury Defense Group LLC, San Diego, CA; Industry Defense Systems LLC, Lansdale, PA; Merge Plot LLC, Bala Cynwyd, PA; Nakupuna Consulting LLC, Arlington, VA; Nightwing Technologies, Inc., Herndon, VA; Product Development Associates, Inc., Burnsville, MN; Red Research Group LLC, Southern Pines, NC; Rune Technologies, Inc., Alexandria, VA; Skyward Federal LLC, Colorado Springs, CO; Strategic Technical Services LLC, Carmel, IN; Willowview Consulting LLC, Eagle, ID; and Zapata Technology, Inc., Augusta, GA, have been added as parties to this venture.

Also, Alirrium LLC, Reston, VA; Anokiwave, Inc., Billerica, MA; Anritsu Company, Morgan Hill, CA; Applied Insight LLC, Tysons, VA; Blacksky Geospatial Solutions, Inc., Herndon, VA; Carnegie Mellon University, Pittsburgh, PA; DZYNE Technologies, Inc., Fairfax, VA; FedLearn, Inc., Alexandria, VA; G3 Technologies, Inc., Columbia, MD; Integrated Consultants, Inc., San Diego, CA; Iron EagleX, Inc., Tampa, FL; IT Partners, Inc., Herndon, VA; JMA Resources, Inc., Mechanicsburg, PA; La Jolla Logic, San Diego, CA; Logistic Specialties, Inc., Layton, UT; Millennium Corp., Arlington, VA; Na Ali’i Consulting & Sales LLC, Honolulu, HI; NetNumber, Inc., Lowell, MA; Platform Systems, Inc., Hollywood, MD; Robbins-Gioia LLC, Alexandria, VA; Saildrone, Inc., Alameda, CA; Steampunk, Inc., McLean, VA; Teal Stratus Technologies LLC, Fort Mill, SC; TQI Solutions, Inc., Norfolk, VA; TVAR Solutions LLC, McLean, VA; Ventus Executive Solutions LLC, Fairfax, VA; Verizon Business Network Services, Inc., Ashburn, VA; XCOM-Labs, Inc., San Diego, CA; and XSB, Inc.,

East Setauket, NY, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IWRP Consortium intends to file additional written notifications disclosing all changes in membership.

On October 15, 2018, IWRP Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 23, 2018 (83 FR 53499).

The last notification was filed with the Department on January 28, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 28, 2025 (90 FR 10948).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2025–06922 Filed 4–22–25; 8:45 am]

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DEPARTMENT OF JUSTICE**Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—Homeland Security Technology Consortium**

Notice is hereby given that, on April 2, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Homeland Security Technology Consortium (“HSTech Consortium”), formerly known as the Border Security Technology Consortium (“BSTC”), has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Beacon Industries, Newington, CT; DAGER Technology LLC, Fairfax, VA; LaunchTech LLC, Huntsville, AL; Peraton, Herndon, VA; 22nd Century Technology, McLean, VA; Radiation Monitoring Devices, Watertown, MA; Data Point LLC, Orange, NJ; MIDL Technology, Tuckahoe, NY; Symbiosis.io LLC, Smyrna, GA; Response AI, Arlington, VA; RTR Technologies, Aberdeen, MD; Bishop Ascendant, Inc., Caldwell, NJ; Red Research Group LLC, Southern Pines, NC; Shee Atika Systems LLC,

Huntsville, AL; and University of Florida—Institute of Applied Engineering, Tampa, FL, have been added as parties to this venture.

Also, CAM2 Technologies dba RedWave Technology, Danbury, CT; Navmar Applied Sciences Corporation, Warminster, PA; Spectral Labs, Inc., San Diego, CA; and The Informatics Applications Group, Reston, VA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HSTech Consortium intends to file additional written notifications disclosing all changes in membership.

On May 30, 2012, HSTech Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 18, 2012 (77 FR 36292).

The last notification was filed with the Department on July 19, 2023. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 5, 2023 (88 FR 69231).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2025–06925 Filed 4–22–25; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Expeditionary Missions Consortium—Crane

Notice is hereby given that, on April 14, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Expeditionary Missions Consortium—Crane (“EMC²”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, AForge LLC, Lorton, VA; Alpha-En Corporation, Hopewell Junction, NY; ArgenTech Solutions, Inc., Newmarket, NH; Artemis Electronics LLC, Prospect, KY; Booz Allen Hamilton, Inc., McLean, VA; Chugach Information Technology, Inc.,

Anchorage, AK; Decryptor, Inc., Richardson, TX; Empower Battery Technology, Inc., Gahanna, OH; Fathom5 Corp., Austin, TX; Hidden Level, Inc., Syracuse, NY; Industry Defense Systems LLC, Lansdale, CA; Lockheed Martin Aerostructures, Riviera Beach, FL; Ocean Power Technologies, Inc., Monroe Township, NJ; Olson Custom Designs LLC, Indianapolis, IN; Parallax Advanced Research Corporation, Beavercreek, OH; Rapid Innovation & Security Experts, Inc., Colorado Springs, CO; Raytheon Company—AZ, Tucson, AZ; Seafloor Systems, Inc., El Dorado Hills, CA; Stress Aerospace and Defense LLC, Houston, TX; Training Center Pros, Inc. dba EOD Gear, Franklin, TN; and UDC USA, Inc., Tampa, FL, have been added as parties to this venture.

Also, Plasan North America, Inc., Walker, MI, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and EMC² intends to file additional written notifications disclosing all changes in membership.

On January 11, 2024, EMC² filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 13, 2024 (89 FR 18439).

The last notification was filed with the Department on January 30, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 28, 2025 (90 FR 10943).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2025–06924 Filed 4–22–25; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

De Novo Services, LLC; Decision and Order

I. Introduction

On June 6, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to De Novo Services, LLC, of Salt Lake City, Utah (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 5. The OSC proposed the revocation of Registrant’s DEA Certificate of Registration No. RD0424515, alleging that Registrant has committed such acts as would render its registration

inconsistent with the public interest. *Id.* at 1, 2 (citing 21 U.S.C. 823(g)(1), 824(a)(4)).

Specifically, the OSC alleged that between 2013 and 2023, Registrant lacked effective controls and procedures to guard against the diversion of controlled substances, as well as committed numerous recordkeeping violations, in violation of the Controlled Substances Act’s (CSA) implementing regulations and Utah state law.¹ *Id.* at 2.

The OSC notified Registrant of its right to file with DEA a written request for hearing and an answer, and that if it failed to file such a request, it would be deemed to have waived its right to a hearing and be in default. *Id.* at 4 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing. RFAA, at 2.² “A default, unless excused, shall be deemed to constitute a waiver of the registrant’s/applicant’s right to a hearing and an admission of the factual allegations of the [OSC].” 21 CFR 1301.43(e); *see also* RFAAX 1, at 4 (providing notice to Registrant).

Further, “[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] § 1316.67.” *Id.* § 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant’s default pursuant to 21 CFR 1301.43(c)(1), (f)(1), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.³

¹ The Utah state law cited by the Government in the OSC pertains to pharmacists. The applicability of these Utah laws to Registrant is not clear from the OSC and was not addressed in the RFAA. Accordingly, the Agency declines to find any violations of Utah law in this matter. *See id.* at 3. However, the Agency finds that the founded allegations in this decision are more than sufficient to support the Government’s requested sanction of revocation under these circumstances.

² Based on the Government’s submissions in its RFAA dated July 16, 2024, the Agency finds that service of the OSC on Registrant was adequate. Specifically, on June 10, 2024, a DEA Diversion Investigator personally served the OSC on J.C., the signatory and contact person associated with Registrant’s DEA Certificate of Registration No. RD0424515. RFAA, at 1; RFAAX 2–3.

³ On October 7, 2024, Registrant signed a DEA Form 104, Surrender for Cause of DEA Certificate of Registration. *See* 21 CFR 1301.52(a). Even when a registration is terminated, the Agency has discretion to adjudicate the OSC to finality. *See Jeffrey D. Olsen, M.D.*, 84 FR 68474, 68479 (2019) (declining to dismiss an immediate suspension order when the registrant allowed the registration to expire before final adjudication); *Steven M. Kotsonis, M.D.*, 85 FR 85667, 85668–85669 (2020) (concluding that termination of a registration under 21 CFR 1301.52 does not preclude DEA from issuing a final decision and that the Agency would assess such matters on a case-by-case basis to determine if a final adjudication is warranted); *The*

II. Applicable Law

A. The Alleged Statutory and Regulatory Violations

As discussed above, the OSC alleges that Registrant violated provisions of the Controlled Substances Act (CSA) and its implementing regulations. As the Supreme Court stated in *Gonzales v. Raich*, “the main objectives of the CSA were to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances. . . . To effectuate these goals, Congress devised a closed regulatory system making it unlawful to . . . dispense[] or possess any controlled substance except in a manner authorized by the CSA.” 545 U.S. 1, at 12–13 (2005). In maintaining this closed regulatory system, “[t]he CSA and its implementing regulations set forth strict requirements regarding registration, . . . drug security, and recordkeeping.” *Id.* at 14.

Here, the OSC’s allegations concern the CSA’s “strict requirements regarding registration . . . drug security, and recordkeeping” and, therefore, go to the heart of the CSA’s “closed regulatory system” specifically designed “to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances.” *Id.*

B. Failure To Guard Against Diversion and Recordkeeping Violations (21 CFR 1301.74(h), 1304.11(e)(1)(iii), (e)(6), 1304.21(a), (e), 1305.05(d), 1305.12(b), 1305.13(e), 1317.30)

The OSC alleges that between 2013 and 2023, Registrant lacked effective controls and procedures to guard against the diversion of controlled substances, as well as committed numerous recordkeeping violations. RFAAX 1, at 1. CSA regulations require the following.

Registrants receiving controlled substances must maintain complete and accurate records of all controlled

substances received. 21 CFR 1304.21(a). Only a licensed practitioner employed at the facility or another authorized individual, authorized in writing, may accept delivery of controlled substances used in a narcotic treatment program, and such delivery acceptance must be documented by signature of the licensed practitioner or authorized individual. 21 CFR 1301.74(h). Specific authorization is required for an individual or entity to collect controlled substances from ultimate users and other non-registrants for destruction, and destruction of controlled substances generally must be documented on a DEA Form 41. 21 CFR 1304.21(e), 1317.30. When executing a power of attorney, a registrant must provide two witnesses. 21 CFR 1305.05(d). When completing a DEA Form 222, purchasers must note the number of lines completed at the bottom of the form, with each line completed containing an item consisting of one or more commercial or bulk containers of the same finished or bulk form and quantity of the same controlled substance. 21 CFR 1305.12(b). Purchasers must also note on each item of the DEA Form 222 the number of commercial or bulk containers furnished and the dates on which the containers are received by the purchaser. 21 CFR 1305.13(e). Finally, regarding inventories of dispensers and researchers, for each controlled substance in finished form, the inventory must document the specific finished form of the substance (for example, a 10 mg tablet). 21 CFR 1304.11(e)(1)(iii), (e)(6).

III. Findings of Fact

The Agency finds that, in light of Registrant’s default, the factual allegations in the OSC are deemed admitted.

A. Letters of Admonition

A registrant who is authorized to maintain and/or detoxify controlled substance users in a treatment program is required to keep records for each controlled substance utilized in such a program. 21 CFR 1304.24(a). Registrant is deemed to have admitted that following an on-site inspection by DEA in August 2013, Registrant was mailed a Letter of Admonition specifying Registrant’s violation of 21 CFR 1304.24(a) regarding records for maintenance and detoxification treatment programs. RFAAX 1, at 2. Registrant is also deemed to have admitted that it responded to the letter identifying corrective actions it had taken to become compliant. *Id.*

21 CFR 1304.11 details the inventory requirements for registrants, while 21

CFR 1304.21 details the general requirements for continuing records for registrants. Registrant is deemed to have admitted that following an on-site inspection by DEA in March 2022, Registrant was mailed a Letter of Admonition specifying Registrant’s violations of 21 CFR 1304.11(e)(6), 1304.21(d) and other federal regulations. RFAAX 1, at 2. Registrant is also deemed to have admitted that it again responded to the letter identifying corrective actions it had taken to become compliant. *Id.*

B. Failure To Guard Against Diversion and Recordkeeping Violations

Registrant is deemed to have admitted that DEA conducted another on-site inspection on November 27–30, 2023, which revealed a lack of effective controls and procedures to guard against diversion. More specifically, Registrant admits that between March 2022 and June 2023, it allowed two unauthorized persons to accept delivery of Schedule III controlled substances. *Id.* The individuals were unauthorized because Registrant failed to produce the required written documentation authorizing the two individuals to accept the deliveries. *Id.* Further, Registrant is deemed to have admitted that on six occasions between July 2023 and November 2023, it accepted delivery of Schedule III controlled substances without any signature documenting who accepted delivery. *Id.*

Registrant is deemed to have admitted that between March 2022 and November 2023, thirty-one of its Schedule III controlled substance invoices were incomplete. *Id.* Specifically, these thirty-one invoices were missing either the date the controlled substances were received, the specific amount of controlled substances that were delivered, or the signature and title of the authorized receiving individual. *Id.* at 2–3. Registrant is also deemed to have admitted that one of its biennial controlled substance inventory forms dated August 4, 2023, failed to document the finished form for the specified Schedule II controlled substances. *Id.* at 3.

Registrant is deemed to have admitted that, despite its registration not authorizing the collection of controlled substances, on at least five occasions between March 2022 and November 2023, it collected Schedule I, II, and III controlled substances. *Id.* Registrant is also deemed to have admitted that on at least twenty-three occasions between March 2022 and November 2023, it destroyed controlled substances without maintaining a DEA Form 41. *Id.*

Pharmacy Place, 86 FR 21008, 21008–21009 (2021) (“Adjudicating this matter to finality will create a public record to educate current and prospective registrants about the Agency’s expectations regarding the responsibilities of registrant[s] . . . under the CSA and allow stakeholders to provide feedback regarding the Agency’s enforcement priorities and practices.”); *Creekbend Community Pharmacy*, 86 FR 40627, 40628 n.4 (2021) (“Adjudicating this matter to finality will create an official record the Agency can use in any future interactions with [the registrant] . . . or other persons who were associated with [the registrant].”). As in these cases, the Agency has evaluated the circumstances of this matter and determined that the matter should be adjudicated to finality for the purpose of creating an official record of the allegations and evidence, and educating the registrant community, the public, and stakeholders about the responsibilities associated with holding a DEA registration and the Agency’s enforcement priorities.

Registrant is deemed to have admitted that on its dispensing logs for Schedule III controlled substances, it consistently failed to record the names of the substances, the strengths of the substances, the dosage forms of the substances, and the amount and dosage of the substances taken home by the patients. *Id.* Registrant is also deemed to have admitted that the power of attorney that it executed on November 1, 2021, failed to provide two witnesses. *Id.*

Registrant is deemed to have admitted that on both May 3, 2022, and September 6, 2023, J.K. failed to properly fill out a DEA Form 222 (Order Request Form). *Id.* On May 3, 2022, J.K. “failed to report the last line completed section,” and on September 6, 2023, J.K. failed to indicate the number of commercial or bulk containers received of the Schedule II controlled substance, as well as the date received. *Id.*

Finally, Registrant is deemed to have admitted that between March 2022 and November 2023, Registrant failed to maintain complete and accurate records and, due to that failure, DEA Investigators were unable to conduct an accountability audit for controlled substances. *Id.* at 4. Based on the above, the Agency finds substantial record evidence that Registrant failed to maintain effective controls and procedures to safeguard against diversion and failed to maintain complete and accurate records.

IV. Discussion

A. The Controlled Substances Act’s Public Interest Factors

Pursuant to the CSA, “[a] registration . . . to . . . distribute[] or dispense a controlled substance . . . may be suspended or revoked by the Attorney General upon a finding that the registrant . . . has committed such acts as would render his registration under . . . [21 U.S.C. 823] inconsistent with the public interest as determined by such section.” 21 U.S.C. 824(a)(4). In the case of a “practitioner,” Congress directed the Attorney General to consider five factors in making the public interest determination. 21 U.S.C. 823(g)(1)(A–E).⁴ The five factors are

considered in the disjunctive. *Gonzales v. Oregon*, 546 U.S. 243, 292–93 (2006) (Scalia, J., dissenting) (“It is well established that these factors are to be considered in the disjunctive,” citing *In re Arora*, 60 FR 4447, 4448 (1995)); *Robert A. Leslie, M.D.*, 68 FR 15227, 15230 (2003). Each factor is weighed on a case-by-case basis. *Morall v. Drug Enf’t Admin.*, 412 F.3d 165, 173–74 (D.C. Cir. 2005). Any one factor, or combination of factors, may be decisive. *Penick Corp. v. Drug Enf’t Admin.*, 491 F.3d 483, 490 (D.C. Cir. 2007); *Morall*, 412 F.3d at 185 n.2; *David H. Gillis, M.D.*, 58 FR 37507, 37508 (1993).

According to Agency decisions, the Agency “may rely on any one or a combination of factors and may give each factor the weight [it] deems appropriate in determining whether” to revoke a registration. *Id.*; see also *Jones Total Health Care Pharmacy, LLC v. Drug Enf’t Admin.*, 881 F.3d 823, 830 (11th Cir. 2018) (citing *Akhtar-Zaidi v. Drug Enf’t Admin.*, 841 F.3d 707, 711 (6th Cir. 2016)); *MacKay v. Drug Enf’t Admin.*, 664 F.3d 808, 816 (10th Cir. 2011); *Volkman v. U. S. Drug Enf’t Admin.*, 567 F.3d 215, 222 (6th Cir. 2009); *Hoxie v. Drug Enf’t Admin.*, 419 F.3d 477, 482 (6th Cir. 2005).

Moreover, while the Agency is required to consider each of the factors, it “need not make explicit findings as to each one.” *MacKay*, 664 F.3d at 816 (quoting *Volkman*, 567 F.3d at 222); see also *Hoxie*, 419 F.3d at 482. “In short, . . . the Agency is not required to mechanically count up the factors and determine how many favor the Government and how many favor the registrant. Rather, it is an inquiry which focuses on protecting the public interest; what matters is the seriousness of the registrant’s misconduct.” *Jayam Krishna-Iyer, M.D.*, 74 FR 459, 462 (2009). Accordingly, as the Tenth Circuit has recognized, findings under a single factor can support the revocation of a registration. *MacKay*, 664 F.3d at 821.

In this matter, while all of the 21 U.S.C. 823(g)(1) factors have been considered, the Agency finds that the Government’s evidence in support of its *prima facie* public interest revocation case regarding Registrant’s violations of the CSA’s implementing regulations is confined to Factors B and D. RFAAX 1, at 4. Moreover, the Government has the burden of proof in this proceeding. 5 U.S.C.A. 556(d); 21 CFR 1301.44.

(E) Such other conduct which may threaten the public health and safety.

B. Factors B and/or D—Applicant’s Registration Is Inconsistent With the Public Interest

Evidence is considered under Public Interest Factors B and D when it reflects compliance or non-compliance with federal and local laws related to controlled substances and experience dispensing controlled substances. 21 U.S.C. 823(g)(1)(B) and (D); see also *Kareem Hubbard, M.D.*, 87 FR 21156, 21162 (2022). Here, as found above, Registrant is deemed to admit and the Agency finds that between March 2022 and November 2023, Registrant lacked effective controls and procedures to guard against the diversion of controlled substances, as well as committed numerous recordkeeping violations. RFAAX 1, at 2. More specifically, the Agency finds substantial record evidence that Registrant violated 21 CFR 1301.74(h), 1304.11(e)(1)(iii), (e)(6), 1304.21(a), (e), 1305.12(b), 1305.13(e), and 1317.30. Additionally, the Agency finds substantial evidence that Registrant’s power of attorney dated November 1, 2021, violated 1305.05(d).

The Agency further finds that Factors B and D weigh in favor of denial of Registrant’s application and that Registrant’s registration would be inconsistent with the public interest in balancing the factors of 21 U.S.C. 823(g)(1). Accordingly, the Agency finds that the Government established a *prima facie* case, that Registrant did not rebut that *prima facie* case, and that there is substantial record evidence supporting the revocation of Registrant’s registration. 21 U.S.C. 823(g)(1).

V. Sanction

Here, the Government has met its *prima facie* burden of showing that Registrant’s continued registration is inconsistent with the public interest due to its numerous violations pertaining to its handling of controlled substances. Accordingly, the burden shifts to Registrant to show why it can be entrusted with a registration. *Morall*, 412 F.3d at 174; *Jones Total Health Care Pharmacy, LLC v. Drug Enf’t Admin.*, 881 F.3d 823, 830 (11th Cir. 2018); *Garrett Howard Smith, M.D.*, 83 FR 18882, 18904 (2018); *supra* sections III and IV. The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual registrant. *Jeffrey Stein, M.D.*, 84 FR 46968, 46972 (2019); see also *Jones Total Health Care Pharmacy*, 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, DEA Administrators have required that a

⁴ The five factors of 21 U.S.C. 823(g)(1)(A–E) are:

(A) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(B) The [registrant’s] experience in dispensing, or conducting research with respect to controlled substances.

(C) The [registrant’s] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(D) Compliance with applicable State, Federal, or local laws relating to controlled substances.

registrant who has committed acts inconsistent with the public interest must accept responsibility for those acts and demonstrate that he will not engage in future misconduct. *Jones Total Health Care Pharmacy*, 881 F.3d at 833; *ALRA Labs, Inc. v. Drug Enf't Admin.*, 54 F.3d 450, 452 (7th Cir. 1995). A registrant's acceptance of responsibility must be unequivocal. *Jones Total Health Care Pharmacy*, 881 F.3d at 830–31. In addition, a registrant's candor during the investigation and hearing has been an important factor in determining acceptance of responsibility and the appropriate sanction. *Id.* Further, the Agency has found that the egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction. *Id.* at 834 & n.4. The Agency has also considered the need to deter similar acts by the registrant and by the community of registrants. *Jeffrey Stein, M.D.*, 84 FR at 46972–73.

Here, Registrant failed to answer the allegations contained in the OSC and did not otherwise avail itself of the opportunity to refute the Government's case. As such, there is no record evidence that Registrant takes responsibility, let alone unequivocal responsibility, for the founded violations, meaning, among other things, that it is not reasonable to believe that Registrant's future controlled substance-related actions will comply with legal requirements. Accordingly, Registrant did not convince the Agency that it can be entrusted with a registration.

Further, the interests of specific and general deterrence weigh in favor of revocation. Given the foundational nature of Registrant's violations, a sanction less than revocation would send a message to the existing and prospective registrant community that compliance with the law is not a condition precedent to maintaining a registration.

VI. Conclusion

Accordingly, I shall order the sanction the Government requested, as contained in the Order below.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and 21 U.S.C. 823(g)(1), I hereby revoke DEA Certificate of Registration No. RD0424515 issued to De Novo Services, LLC. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and 21 U.S.C. 823(g)(1), I hereby deny any pending applications of De Novo Services, LLC, to renew or modify this registration, as

well as any other pending application of De Novo Services, LLC, for additional registration in Utah. This Order is effective May 23, 2025.

Signing Authority

This document of the Drug Enforcement Administration was signed on April 18, 2025, by Acting Administrator Derek Maltz. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–07026 Filed 4–22–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States, et al. v. Boyd, et al.*, Case No. 3:25–cv–21, was lodged with the United States District Court for the Western District of Virginia, Charlottesville Division, on April 15, 2025.

This proposed Consent Decree concerns a complaint filed by the United States and the Commonwealth of Virginia against Frazier T. Boyd III and Boyd Farm LLC (collectively “Defendants”), pursuant to Section 301(a) of the Clean Water Act, 33 U.S.C. 1311(a), and Virginia's State Water Control Law, Va. Code § 62.1–44.5(A)(2)–(4), to obtain injunctive relief from and impose civil penalties against the Defendants for violating the Clean Water Act and State Water Control Law by discharging pollutants without a permit into waters of the United States and waters of the State. The proposed Consent Decree resolves these allegations by requiring the Defendants to restore impacted areas, perform mitigation and pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to

Laura Brown, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044, or to pubcomment_edns.enrd@usdoj.gov and refer to *United States v. Boyd*, DJ No. 90–5–1–1–22125.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Western District of Virginia, 255 West Main Street, Room 304, Charlottesville, VA 22902. In addition, the proposed Consent Decree may be examined electronically at <https://www.justice.gov/enrd/consent-decrees>.

Cherie Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2025–06940 Filed 4–22–25; 8:45 am]

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DEPARTMENT OF JUSTICE

[Docket No. CRT147]

Notice of Rescission of Report on Lawful Uses of Race or Sex in Federal Contracting Programs

AGENCY: Civil Rights Division, Department of Justice.

ACTION: Notice.

SUMMARY: This notice announces that the prior guidance in Notice of Report on Lawful Uses of Race or Sex in Federal Contracting Programs, published in the **Federal Register** on January 31, 2022, is no longer considered an accurate reflection of the current laws, executive orders, and federal court jurisprudence concerning the constitutionality of using race or sex in federal government programs and should not be cited in the defense of them.

DATES: This rescission is effective April 23, 2025.

FOR FURTHER INFORMATION CONTACT:

Andrew Braniff, Senior Counsel to the Assistant Attorney General, Civil Rights Division, Department of Justice, (202) 514–3831, EMP.Lit@crt.usdoj.gov. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Department is rescinding the Notice of Report on Lawful Uses of Race or Sex in Federal Contracting Programs 87 FR 4955 (Jan. 31, 2022) (“2022 Guidance”), because, after it issued, federal courts have developed a substantial body of contradictory precedent interpreting the

use of race and sex in affirmative action programs, including in federally funded contracting programs.

Additionally, the 2022 Guidance is inconsistent with Executive Order 14151 of January 20, 2025, *Ending Radical and Wasteful Government DEI Programs and Preferencing*, and Executive Order 14173 of January 21, 2025, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*. See 90 FR 8339; 90 FR 8633. In those Executive Orders, President Donald J. Trump directed the immediate termination of race- and sex-based preference programs operating under the banner of “diversity, equity, and inclusion” (“DEI”) throughout the federal government. As the President explained, “dangerous, demeaning, and immoral race- and sex-based preferences under the guise of so-called ‘diversity, equity, and inclusion’” violate the civil rights laws of this country and will no longer be tolerated—least of all within our own government. 90 FR 8633 (sec. 1). Section 3 of Executive Order 14173 directs “the employment, procurement, and contracting practices of Federal contractors and subcontractors shall not consider race, color, sex, sexual preference, religion, or national origin in ways that violate the Nation’s civil rights laws. *Id.* (sec. 3) (citing Executive Order 13279 of December 12, 2002, *Equal Protection of the Laws for Faith-Based and Community Organizations*, 67 FR 77141).

The 2022 Guidance that was published in the **Federal Register** at 87 FR 4955 is no longer available on the Department of Justice’s website nor should its contents be cited as evidence supporting race- or sex-based programs.

Dated: April 10, 2025.

Harmeet K. Dhillon,
Assistant Attorney General, Civil Rights
Division.

[FR Doc. 2025–06445 Filed 4–22–25; 8:45 am]

BILLING CODE 4410–13–P

OFFICE OF MANAGEMENT AND BUDGET

Notice; Delegation of Apportionment Authority Pursuant to 31 U.S.C. 1513(b)

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice.

SUMMARY: Pursuant to The Executive Office of the President Appropriations Act, 2022, the Office of Management and Budget is publishing its delegation of apportionment authority to respond to a continuity event.

DATES: This delegation became effective on April 18, 2025.

FOR FURTHER INFORMATION CONTACT: Heather V. Walsh at 202–395–3642 or MBX.OMB.OGC@omb.eop.gov.

SUPPLEMENTARY INFORMATION:

Delegation of Apportionment Authority To Respond to a Continuity Event

I hereby delegate to the following individuals, in order of succession, the authorities delegated by the President to the Director of the Office of Management and Budget for apportioning funds pursuant to 31 U.S.C. 1513 when the Program Associate Director (PAD) (to whom such apportionment authority was previously delegated by the Director of the Office of Management and Budget) with current apportionment authority for an account is not available to apportion or reapportion the account because of a continuity event:

1. Deputy Associate Director (DAD) responsible for the account
2. Branch Chief responsible for the account
3. Another Branch Chief from the same DAD area
4. Another DAD from the same PAD area
5. Another PAD
6. Another DAD from a different PAD area
7. Assistant Director for Budget

This delegation of authority will remain in place until revised or revoked, and it may not be re delegated by the individual to whom it has been delegated. The delegation does not limit the authority of the Director to exercise the delegated authority.

Russell T. Vought,
Director, Office of Management and Budget.

[FR Doc. 2025–06953 Filed 4–22–25; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Proposed Agency Information Collection Activities; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The NCUA has approved the publication of a proposal to extend for three years the NCUA Call Report (Form 5300), which is a currently approved information collection, for public comment. Revised instructions are included to improve clarity and accurate reporting. The NCUA is

submitting the following extension of the currently approved information collection and revised instructions to the OMB for review and clearance. The revised instructions are proposed to take effect with the September 30, 2025 report date.

DATES: Comments must be received on or before June 23, 2025.

ADDRESSES: You may submit written comments on the information collection by any of the following methods:

Federal Register Portal: <https://www.federalregister.gov> Find this information collection by searching for “National Credit Union Administration”, then selecting “Past 90 days”, and scrolling through the list of documents.

Regulations.gov: <https://www.regulations.gov/search?filter=ncua> Find this information collection by scrolling through the search results and looking for NCUA Call Report 2025–Q3.

Rulemakings and Proposals for Comment: <https://ncua.gov/regulation-supervision/rulemakings-proposals-comment>. NCUA will post a link to the [regulations.gov](https://www.regulations.gov) web page where you can submit a comment by selecting Comment.

Mail: 1775 Duke Street, Suite 6070, Alexandria, Virginia 22314.

Fax: 703–519–8161.

Email: PRACComments@NCUA.gov.

Instructions: All submissions must be identified by the OMB Control Number 3133–0004 or by Document Number (Please send comments by one method only).

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting Dacia Rogers at (703) 518–6547. You may also view the entire information collection request at www.reginfo.gov. Enhanced content is also available from the Notice on the **Federal Register** website (www.federalregister.gov). In addition, copies of the Call Report Form and Instructions can be obtained at the NCUA’s website (<https://ncua.gov/regulation-supervision/regulatory-reporting/cuonline>).

SUPPLEMENTARY INFORMATION: The NCUA is proposing a three-year extension of the NCUA Form 5300 Call Report with revised instructions.

OMB Number: 3133–0004.

Title: NCUA Form 5300 Call Report.

Type of Review: Extension of a currently approved collection.

Abstract: Sections 106 and 202 of the Federal Credit Union Act require federally insured credit unions (FICUs) to make financial and other reports to the NCUA. Section 741.5 describes the submission method FICUs must use to

provide information to NCUA. NCUA Form 5300, Call Report, is used to file quarterly financial and statistical data through NCUA's online portal, CUOnline. The financial and statistical information provided by credit unions is essential to NCUA in carrying out its responsibility for supervising federal credit unions. This information facilitates NCUA monitoring of credit unions with share accounts insured by the National Credit Union Share Insurance Fund (Share Insurance Fund).

Affected Public: Private sector: Not-for-profit institutions.

Respondents: All federal insured credit unions.

Estimated Number of Respondents: 4,455.

Estimated Average Burden per Response: 4.0 hours.

Estimated Total Annual Burden Hours: 71,280.

Reason for Change: The number of respondents decreased.

The proposed revisions to the Form 5300 instructions in this notice would not have a material impact on the existing burden estimates.

Legal Basis and Need for Collections: The Call Report Form 5300 information collections are mandatory under 12 U.S.C. 1756, 1766, and 1782. Except for select sensitive items, the Call Report Form 5300 is not given confidential treatment.

The data credit unions report on the Call Report is essential to the NCUA's supervision and regulation of federal credit unions. This information also facilitates the NCUA's monitoring of other credit unions with Share Insurance Fund coverage for share accounts.

Credit unions submit quarterly Call Report data to the NCUA. Call Report data serves a regulatory or public policy purpose by assisting the NCUA in fulfilling its mission of ensuring the safety and soundness of individual credit unions and the credit union system, protecting consumer financial rights, as well as agency-specific missions affecting federal and state-chartered credit unions, such as ensuring financial stability and administering share insurance.

There are no proposed changes to the Form 5300 Call Report. However, the NCUA is proposing revisions to the 5300 Call Report Instructions to improve clarity and accurate reporting. These revisions are captured on page two of the draft 5300 Call Report Instructions.

Request for Comment

Comments submitted in response to this notice will be summarized and

included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) whether the proposed revisions to the instructions for the collection of information that are the subject of this notice are necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information as proposed to be revised, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

By the National Credit Union Administration Board.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2025-06971 Filed 4-22-25; 8:45 am]

BILLING CODE 7535-01-P

NATIONAL CREDIT UNION ADMINISTRATION

Renewal of Agency Information Collections for Comments Request: Proposed Collections

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comments.

SUMMARY: The National Credit Union Administration (NCUA) 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.

DATES: Written comments should be received on or before June 23, 2025 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collection to Dacia Rogers, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314, Suite 6070; Fax No. (703) 519-8161; or email at PRAComments@NCUA.gov.

FOR FURTHER INFORMATION CONTACT:

Copies of the submission may be obtained by contacting Dacia Rogers at (703) 518-6547.

SUPPLEMENTARY INFORMATION: OMB Number: 3133-0209.

Title: NCUA Template—Large Credit Union Data Collection.

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

Abstract: The NCUA issued regulation under 12 CFR part 702, subpart C, "Capital Planning and Stress Testing" regarding capital planning and stress testing for federally insured credit unions with \$10 billion or more in assets and supervised by Office of National Examinations and Supervision (covered credit unions). The rule authorizes covered credit unions to conduct stress tests in accordance with the NCUA's requirements. Section § 702.306 provides for the necessary requirements for those credit unions to conduct supervisory stress tests. The "NCUA Template—Large Credit Union Data Collection" was developed for the credit unions to provide NCUA with the specific data needed to evaluate their internal assessments of capital adequacy and to ensure their capital resources are sufficient.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 3,740.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) whether the collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) 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 the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By the National Credit Union Administration Board.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2025-06965 Filed 4-22-25; 8:45 am]

BILLING CODE 7535-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–0398; NRC–2023–0184]

U.S. Department of Commerce; National Institute of Standards and Technology; License Renewal

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has renewed Special Nuclear Materials (SNM) License No. SNM–362, to the U.S. Department of Commerce, National Institute of Standards and Technology (NIST, the licensee) located in Gaithersburg, Maryland. The renewed license authorizes NIST to continue to possess and use SNM for a period of 10 years and will expire on April 10, 2035.

DATES: License No. SNM–362 was issued on April 10, 2025, and is effective as of the date of issuance.

ADDRESSES: Please refer to Docket ID NRC–2023–0184 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0184. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the For Further Information Contact” section of this document.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the “Availability of Documents” section.

- *NRC’s PDR:* The PDR, where you may examine and order copies of

publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Osiris Siurano-Pérez, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7827; email: Osiris.Siurano-Perez@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

NIST is a Federal agency within the U.S. Department of Commerce. Under the SNM–362 license, NIST uses licensed materials for research, development, calibration, and testing activities. NIST also develops, maintains, and disseminates national standards for ionizing radiation and radioactivity to support health care, industry, and homeland security at its Gaithersburg, Maryland site. The quantity of SNM possessed and used by NIST requires an NRC-issued SNM license pursuant to part 70 of title 10 of the *Code of Federal Regulations* (10 CFR), “Domestic licensing of special nuclear material.”

II. Discussion

Pursuant to 10 CFR 2.106, the NRC is providing notice of the issuance of renewal of a 10 CFR part 70 license, SNM–362, to NIST in Gaithersburg, Maryland. The license authorizes NIST to possess and use SNM for research, development, calibration, and testing activities at its Gaithersburg site. NIST’s original license renewal application (LRA) for a 10-year license was made by letter dated August 8, 2023. The term of NIST’s license, which also recognizes NIST as a Type A Broad Scope License pursuant to 10 CFR part 33, “Specific Domestic Licenses of Broad Scope for Byproduct Material,” expired on September 9, 2023. The NRC staff performed an acceptance review of NIST’s application and by letter dated October 6, 2023, notified NIST that the LRA contained sufficient information to proceed with its detailed technical review. NIST was also notified that, since it filed its LRA at least 30 days

before the license’s expiration date, pursuant to the timely renewal provisions in 10 CFR 70.38(a), NIST was permitted to continue using its SNM in accordance with the existing SNM–362 license, pending a final decision by the Commission on the LRA.

On November 16, 2023, a notice of receipt of NIST’s LRA with an opportunity for the public to request a hearing and petition for leave to intervene was published in the **Federal Register** (88 FR 78798). The NRC did not receive a request for a hearing or for a petition for leave to intervene.

The LRA was subsequently supplemented by letter dated March 11, 2024. The letter included a revised version of NIST’s LRA. The revised version of the LRA is a standalone document that integrates the information provided in NIST’s responses to an NRC staff’s requests for additional information dated February 9, 2024.

The NRC staff determined that NIST’s proposed licensed activities meet the categorical exclusion in 10 CFR 51.22(c)(14)(v) for the use of radioactive materials for research and development and for educational purposes. Therefore, an environmental assessment and an environmental impact statement are not required for the renewal of the SNM–1373 license.

The NRC finds that the renewed license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the NRC’s rules and regulations as set forth in 10 CFR chapter 1. Accordingly, the renewed license issued on April 10, 2025, is effective as of the date of issuance. The NRC prepared a safety evaluation report (SER) for the renewal of license SNM–362 and concluded that NIST can continue to use and possess SNM in accordance with its license without endangering the health and safety of the public, and that this action will not significantly affect the quality of the human environment for the duration of the license.

III. Availability of Documents

Documents related to this action, including the license renewal application and other supporting documentation, are available to interested persons as indicated.

Document description	ADAMS accession No.
License Renewal Application (Initial), dated August 8, 2023.	ML23221A162 (Package).
NRC Acknowledgement of Receipt of the Application Letter, dated August 29, 2023	ML23237B469.
Acceptance of NIST’s License Renewal Application Letter, dated October 6, 2023	ML23271A220.
Request for Additional Information Letter, dated February 9, 2024	ML23320A135.

Document description	ADAMS accession No.
NIST's Revised License Renewal Application, dated March 7, 2024	ML24071A181.
Email (Errata)—Correction to NIST License Renewal Application—Material Control & Accountability Requirements, dated April 3, 2024.	ML24096B503.
NIST License Renewal Application Corrected Page 48 (April 3, 2024).	ML24096B504.
Reply To Request for Additional Information: U.S. Department of Commerce, National Institute Of Standards And Technology (NIST) Application For Renewal Of Special Nuclear Materials License Number 362—EPID L-2023—RNW-0017.	ML24152A178.
NRC Transmittal Letter: SNM-362 License Renewal, dated April 10, 2025	ML24152A179.
SER on NIST's License Renewal Application, dated April 10, 2025	ML24152A180 (non-public, withheld pursuant to 10 CFR 2.390).
Renewed SNM-362, dated April 10, 2025	ML24152A181.
SER on NIST's License Renewal Application, dated April 10, 2025	ML24152A182 (non-public, withheld pursuant to 10 CFR 2.390).
Renewed SNM-362 Sensitive Conditions, dated April 10, 2025	ML24152A183 (non-public, withheld pursuant to 10 CFR 2.390).

Dated: April 17, 2025.

For the Nuclear Regulatory Commission.

Samantha Lav,

Chief, Fuel Facility Licensing Branch,
Division of Fuel Management, Office of
Nuclear Material Safety and Safeguards.

[FR Doc. 2025-06902 Filed 4-22-25; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2025-6 and MC2025-1310;
Order No. 8808]

Competitive Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recent filing by the Postal Service of specific rates for its Inbound Letter Post Small Packets and Bulky Letters product effective January 1, 2026. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 24, 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. Contents of Filing
- III. Administrative Actions
- IV. Ordering Paragraphs

I. Introduction

On April 15, 2025, the Postal Service filed a notice of rates not of general applicability for Inbound Letter Post Small Packets and Bulky Letters (Inbound E-format Letter Post), and a notice of minor classification changes to *Mail Classification Schedule* (MCS) section 2340 concerning Inbound Letter Post Small Packets and Bulky Letters, both of which will take effect on January 1, 2026.¹ The Postal Service requests that the Commission favorably review the proposed prices so that the Postal Service may submit the prices to the Universal Postal Union (UPU) before the May 1, 2025 deadline. Notice at 11-12. The Postal Service also requests that the Commission adopt the proposed minor classification changes to MCS section 2340. *Id.* at 12.

II. Contents of Filing

In its Notice, the Postal Service proposes new prices for the Inbound Letter Post Small Packets and Bulky Letters product. *Id.* at 4. The UPU International Bureau (IB) requested via letter that designated operators that want to self-declare their inbound E-format rates for calendar year (CY) 2026 to submit those rates to the IB by May 1, 2025, rather than the June 1, 2025 deadline that had previously applied under the Universal Postal Convention.² The Postal Service states that the proposed prices comply with 39 U.S.C. 3633. Notice at 8. To support its

¹ Notice of the United States Postal Service of Rates Not of General Applicability for Inbound E-Format Letter Post, Notice of Minor Classification Changes, and Application for Non-Public Treatment, April 15, 2025, at 1 (Notice).

² *Id.* at 3-4; Universal Postal Union Letter to Designated Operators, dated March 18, 2025, available at <https://www.upu.int/en/postal-solutions/programmes-services/remuneration/terminal-dues/provisional-terminal-dues-rates>; Universal Postal Convention Article 29.1, available at https://www.upu.int/UPU/media/upu/files/aboutUpu/acts/02-actsGeneralRegulations/11_Convention_1.pdf.

proposed Inbound Letter Post Small Packets and Bulky Letters prices, the Postal Service filed the proposed prices, a copy of the certification required under 39 CFR 3035.105(c)(2), and a redacted copy of Governors' Decision No. 19-1. *Id.* at 6; *see id.* Attachments 2-4. The Postal Service also filed redacted financial workpapers. Notice at 7. In addition, the Postal Service filed an unredacted copy of Governors' Decision No. 19-1, the unredacted new prices, and unredacted financial information under seal. *Id.* at 6-7. The Postal Service also provided an application for non-public treatment of materials filed under seal filed pursuant to 39 CFR part 3011. *Id.* at 6; *see id.* Attachment 1.

The Postal Service also proposes minor classification changes to MCS section 2340 concerning Inbound Letter Post Small Packets and Bulky Letters, pursuant to 39 CFR 3040.190. *Id.* at 8. The Postal Service explains that the proposed changes should result in the MCS more accurately representing the Postal Service's offerings as of January 1, 2026, and they are also mandated by amendments to the Universal Postal Convention Article 18 that were adopted by the UPU Riyadh Congress in 2023. *Id.* at 9. These UPU amendments require the offering of tracked delivery service for inbound letter-post items containing goods effective January 1, 2025, and require the offering of registered service for inbound letter-post items containing only documents (not goods) effective January 1, 2026. *Id.* at 10. Therefore, the Postal Service proposes to restrict Competitive International Registered Mail, an optional international ancillary service, to Inbound Letter Post Small Packets and Bulky Letters containing documents only, effective January 1, 2026. *Id.*; *see id.* Attachment 5. The Postal Service states that the proposed changes are minor instead of material in nature, and

they are consistent with the policies and applicable criteria of chapter 36 of Title 39 of the United States Code, 39 CFR 3040.190–192, and applicable Commission directives and orders. Notice at 10–11. The Postal Service submits the proposed changes to the MCS in legislative format in Attachment 5 to the Notice. *Id.* at 9; *see id.* Attachment 5.

III. Administrative Actions

The Commission establishes Docket Nos. CP2025–6 and MC2025–1310 for consideration of matters raised by the Notice. Pursuant to 39 CFR 3010.101(q)(3) and 3040.191(d), the Commission appoints Katalin Clendenin to serve as Public Representative in these dockets. The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632 and 3633 and other applicable policies and criteria of chapter 36 of Title 39 of the United States Code, 39 CFR 3035.105 and .107, 3040.190–192, and any applicable Commission directives and orders. Comments are due no later than April 24, 2025. The public portions of the filing can be accessed via the Commission's website (<https://www.prc.gov>).

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. CP2025–6 and MC2025–1310 for consideration of the matters raised by the Postal Service's Notice.

2. Comments are due no later than April 24, 2025.

3. Pursuant to 39 CFR 3010.101(q)(3) and 3040.191(d), Katalin Clendenin will serve as an officer of the Commission (Public Representative) to represent the interests of the general public in these dockets.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Erica A. Barker,
Secretary.

[FR Doc. 2025–06948 Filed 4–22–25; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Sunshine Act Meetings

TIME AND DATE: Friday, April 18, 2025, at 1:00 p.m. EST.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza SW.

STATUS: Closed.

MATTERS TO BE CONSIDERED: On April 18, 2025, the members of the Board of Governors of the United States Postal Service voted unanimously to hold and to close to public observation a special meeting in Washington, DC. The Board determined that no earlier public notice was practicable. The Board considered the below matters.

1. Administrative Matters.
2. Executive Session.
3. Personnel Matters.

General Counsel Certification: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Lucy C. Trout, Acting Secretary of the Board of Governors, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–1000. Telephone: (202) 268–4800.

Lucy C. Trout,
Acting Secretary.

[FR Doc. 2025–07090 Filed 4–21–25; 4:15 pm]

BILLING CODE 7710–12–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on

respondents, including the use of automated collection techniques or other forms of information technology.

1. *Title and purpose of information collection:* Employer's Quarterly Report of Contributions under the Railroad Unemployment Insurance Act; OMB 3220–0012.

Under Section 8 of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 358), the RRB determines the amount of an employer's contribution, primarily on the basis of the RUIA benefits paid, both unemployment and sickness, to the employees of the railroad employer. These experienced-based contributions take into account the frequency, volume, and duration of the employees' unemployment and sickness benefits. Each employer's contribution rate includes a component for administrative expenses as well as a component to cover costs shared by all employers. The regulations prescribing the manner and conditions for remitting the contributions and for adjusting overpayments or underpayments of contributions are contained in 20 CFR 345.

RRB Form DC–1, Employer's Quarterly Report of Contributions under the Railroad Unemployment Insurance Act, is used by railroad employers to report and remit their quarterly contributions to the RRB. Employers can use either the manual version of the form or its internet equivalent. One response is requested quarterly of each respondent and completion is mandatory. The RRB proposes the following changes to the manual and electronic versions of Form DC–1:

- *Top of page:* Changed "Employer Number" to "Employer BA Number".
- *Top of page:* Changed "Calendar Year and Quarter" to "Reporting Period (Calendar Year and Quarter)".
- *Field 1:* Changed "Current Reporting Period" to "Reporting Period Compensation".
- *Field 2:* Changed "Compensation Adjustments reported on Form BA–4" to "Compensation Adjustments—Prior Year Compensation Adjustments Reported on Form(s) BA–4 in the Reporting Period".
- *Field 3:* Changed "Total" to "Total Reporting Period Compensation".
- *Field 4:* Changed "Total" to "Total Compensation and Corrections".
- *Form instruction:* Updated the Paperwork Reduction Act section and instructions to match field name changes to the form.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
DC-1 (<i>RRB.Gov</i>)	720	25	313
DC-1 (<i>Pay.Gov</i>)	1,750	25	729
Total	2,500		1,042

2. Title and purpose of information collection: Application for Spouse Annuity under the Railroad Retirement Act; OMB 3220-0042.

Section 2(c) of the Railroad Retirement Act (RRA) (45 U.S.C. 231a), provides for the payment of annuities to spouses of railroad retirement annuitants who meet the requirements under the RRA. The age requirements for a spouse annuity depend on the employee's age, date of retirement, and years of railroad service. The requirements relating to the annuities are prescribed in 20 CFR 216, 218, 219, 232, 234, and 295.

To collect the information needed to help determine an applicant's entitlement to, and the amount of, a spouse annuity the RRB uses non-OMB Form AA-3, *Application for Spouse/Divorced Spouse Annuity*, and electronic OMB Forms AA-3cert, *Application Summary and Certification*, and AA-3sum, *Application Summary*.

The AA-3 application process gathers information from an applicant about their marital history, work history, benefits from other government agencies, and Medicare entitlement for a spouse annuity. An RRB representative interviews the applicant either at a field office (preferred), an itinerant point, or by telephone. During the interview, the RRB representative enters the information obtained into an on-line information system. Upon completion of the interview, the system generates, for the applicant's review, either Form AA-3cert or AA-3sum, which is a summary of the information that the applicant provided or verified. Form AA-3cert, *Application Summary and Certification*, requires a traditional pen and ink "wet" signature. Form AA-3sum, *Application Summary*, documents an alternate signing method called "Attestation," which is an action taken by the RRB representative to confirm and annotate in the RRB

records (1) the applicant's intent to file an application; (2) the applicant's affirmation under penalty of perjury that the information provided is correct; and (3) the applicant's agreement to sign the application by proxy. When the RRB representative is unable to contact the applicant in person or by telephone, for example, the applicant lives in another country, a manual version of Form AA-3 is used. One response is requested of each respondent. Completion of the form is required to obtain a benefit.

The RRB proposes no changes to Forms AA-3cert. The RRB proposes the following minor editorial changes to Form AA-3sum:

- Updated "(Printed if application type is Spouse or Spouse with child and spouse is FRA or older/under FRA.)" sections to remove ambiguity.
- Updated office hours information and provided a link to the RRB website and tollfree number.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
Form AA-3cert (Ink Signature)	3,960	30	1,980
Form AA-3sum (Attestation)	2,710	29	1,310
Total	6,670		3,290

3. Title and purpose of information collection: Statement of Claimant or Other Person; OMB 3220-0183.

To support an application for an annuity under Section 2 of the Railroad Retirement Act (RRA) (45 U.S.C. 231a) or for unemployment benefits under Section 2 of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 352), pertinent information and proofs must be furnished for the RRB to determine benefit entitlement. Circumstances may require an applicant or other person(s) having knowledge of facts relevant to the applicant's eligibility for an annuity or benefits to

provide written statements supplementing or changing statements previously provided by the applicant. Under the railroad retirement program these statements may relate to a change in an annuity beginning date(s), date of marriage(s), birth(s), prior railroad or non-railroad employment, an applicant's request for reconsideration of an unfavorable RRB eligibility determination for an annuity or various other matters. The statements may also be used by the RRB to secure a variety of information needed to determine eligibility to unemployment and

sickness benefits. Procedures related to providing information needed for RRA annuity or RUIA benefit eligibility determinations are prescribed in 20 CFR 217 and 320 respectively.

The RRB utilizes Form G-93, *Statement of Claimant or Other Person*, to obtain from applicants or other persons, the supplemental or corrective information needed to determine applicant eligibility for an RRA annuity or RUIA benefits. Completion is voluntary. One response is requested of each respondent. The RRB proposes no changes to Form G-93.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G-93	400	15	100

Additional Information or Comments:
To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material or comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-1275 or emailed to Brian.Foster@rrb.gov. Written comments should be received within 60 days of this notice.

Brian Foster,

Clearance Officer.

[FR Doc. 2025-06952 Filed 4-22-25; 8:45 am]

BILLING CODE 7905-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102880; File No. SR-SAPPHIRE-2025-16]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 208, MIAX Sapphire Billing System

April 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act” or “Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 3, 2025, MIAX Sapphire, LLC (“MIAX Sapphire” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 208, MIAX Sapphire Billing System, to enable the Exchange, upon request by the Member³ and

approval by the Exchange, to permit an Exchange Member to provide alternative payment instructions for purposes of the Exchange’s direct debit process for the collection of fees and other monies due and owing 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/miax-sapphire/rule-filings>, at the Exchange’s principal office, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 208, MIAX Sapphire Billing System, to enable the Exchange, upon request by the Member and approval by the Exchange, to permit a Member to provide alternative payment instructions (*i.e.*, other than the designated Clearing Member’s⁴ account number at the Clearing Corporation,⁵ as currently required by Exchange Rule 208) for purposes of the Exchange’s direct debit process for the collection of fees and other monies due and owing to the Exchange.

“Electronic Exchange Member” or “Market Maker.” Members are deemed “members” under the Exchange Act. *See* Exchange Rule 100.

⁴ The term “Clearing Member” means a Member that has been admitted to membership in the Clearing Corporation pursuant to the provisions of the rules of the Clearing Corporation. *See* Exchange Rule 100.

⁵ The term “Clearing Corporation” means The Options Clearing Corporation. *Id.*

Currently, Exchange Rule 208 provides that every Member must designate a Clearing Member for the payment of the Member’s Exchange invoices and vendor invoices for Exchange-related services assessed by the Exchange by means of the Exchange’s MIAX Sapphire Billing System. The designated Clearing Member shall pay to the Exchange on a timely basis the full amount of each monthly Exchange invoice. Such payments shall be drafted by the Exchange against the designated Clearing Member’s account at the Clearing Corporation.

The proposed rule change would provide that the Exchange will, upon request, waive the requirement for a Member to designate a Clearing Member and instead require such Member to provide alternative payment instructions as agreed to by the Exchange for purposes of permitting the Exchange to debit certain fees, as determined by the Exchange; provided, however, that the Exchange reserves the right to require any such Member to designate a Clearing Member for such purposes as set forth above if the Exchange encounters repeated failed collection attempts using such alternative payment instructions.

The purpose of the proposed change is to provide the Exchange with the flexibility to agree to an alternative payment arrangement with a Member if such Member so requests, as the Exchange understands that certain Members may have an operational burden associated with remitting payment to the Exchange through a Clearing Member’s account with the Clearing Corporation. Under the proposed rule change, any such alternative payment instructions must: (i) be agreed to by the Exchange for a specified fee; and (ii) permit the Exchange to initiate the debit of any fees and other monies due and owing to the Exchange in a manner similar to the current requirement with respect to a Clearing Member’s account with the Clearing Corporation (*i.e.*, a direct debit process). The requirement that such alternative payment instructions must be agreed to by the Exchange is intended to be an objective standard, and the Exchange’s ability to agree to such alternative payment instructions would be exercised uniformly with

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The term “Member” means an individual or organization that is registered with the Exchange pursuant to Chapter II of the Exchange’s Rules for purposes of trading on the Exchange as an

respect to any Member that so requests to the extent such alternative payment instructions reasonably appear to permit the Exchange to utilize a direct debit process for a certain fee.

The Exchange notes that several exchanges provide for substantively similar alternative payment provisions in their billing rules for equity members that may want to pay exchange fees via an alternative method.⁶

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁸ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange also believes the proposed rule change is consistent with the Section 6(b)(5)⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(1)¹⁰ requirement that it be so organized and have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its Members and persons associated with its Members, with the provisions of the Act, the rules and regulations thereunder, and the Exchange's Rules.

The Exchange believes the proposed change to enable the Exchange, upon request, to permit a Member to provide alternative payment instructions (*i.e.*, other than the Clearing Member's account number with the Clearing Corporation, as currently required by Exchange Rule 208) for purposes of the Exchange's direct debit collection process is appropriate and consistent with Section 6(b)(1) of the Act,¹¹ as such change would provide the Exchange with the flexibility to agree to an

alternative payment arrangement with a Member that has an operational burden associated with remitting payment to the Exchange through a Clearing Member's account with the Clearing Corporation, thereby enabling it to be so organized and have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its Members and persons associated with its Members, with the Exchange's Rules relating to payment of fees and other monies due and owing to the Exchange. The Exchange also believes that reserving the right to revert to the general rule (*i.e.*, to require a Clearing Member's account number with the Clearing Corporation for direct debit purposes) with respect to any such Member if the Exchange encounters repeated failed collection attempts using such alternative payment instructions is appropriately designed to ensure that it is able to collect the fees and other monies due and owing to the Exchange through its standard collection process if warranted, and is thus consistent with the Act for similar reasons.

Additionally, as this proposed change is designed to give the Exchange and its Members flexibility regarding their payment arrangements while providing a safeguard by which the Exchange may revert to its standard collection process, the Exchange believes it would promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, 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. This proposed change is also equitable and not unfairly discriminatory because it is based on objective standards and would apply equally to all Members for registration as such, as described above. The proposed change is also based on billing and collection rules in place at several equity exchanges, which provide for substantively similar alternative payment provisions in their billing rules for equity members that may want to pay exchange fees via an alternative method.¹²

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed

change to enable the Exchange to agree to alternative payment instructions for the Exchange's direct debit collection process would apply equally to all Members as the opportunity to request that the Exchange agree to alternative payment instructions will be available to any such Member and the Exchange's ability to agree to such alternative payment instructions would be exercised uniformly on an objective basis.

The Exchange does not believe such proposed changes would impair the ability of Members or competing order execution venues to maintain their competitive standing in the financial markets, and therefore, the Exchange does not believe the proposal will impose any burden on intermarket competition. Moreover, because the proposed changes would apply equally to all Members, the Exchange does not believe the proposal would impose any burden on intramarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Act¹³ and Rule 19b-4(f)(6)¹⁴ 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.

A proposed rule change filed under Rule 19b-4(f)(6)¹⁵ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁶ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. In the filing, the Exchange stated that the proposed change is based on

⁶ See, e.g., MEMX LLC ("MEMX") Rule 15.3; NYSE American LLC ("NYSE American") Rule 41(a); NYSE Arca, Inc. ("NYSE Arca") Rule 3.7.

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

⁹ *Id.*

¹⁰ 15 U.S.C. 78(b)(1).

¹¹ 15 U.S.C. 78(b)(1).

¹² See *supra* note 6.

¹³ 15 U.S.C. 78s(b)(3)(A).

¹⁴ 17 CFR 240.19b-4(f)(6).

¹⁵ 17 CFR 240.19b-4(f)(6).

¹⁶ 17 CFR 240.19b-4(f)(6)(iii).

billing and collection rules in place at several equity exchanges, which provide for substantively similar alternative payment provisions in their billing rules for equity members that may want to pay exchange fees via an alternative method.¹⁷ The proposed change does not raise any novel issues and provides the Exchange with the flexibility to agree to an alternative payment arrangement with a Member, while reserving the right to revert to the general rule (*i.e.*, to require a Clearing Member's account number with the Clearing Corporation for direct debit purposes) if the Exchange encounters repeated failed collection attempts using such alternative payment instructions, and therefore, waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.¹⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-SAPPHIRE-2025-16 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-SAPPHIRE-2025-16. 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-SAPPHIRE-2025-16 and should be submitted on or before May 14, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-06907 Filed 4-22-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102885; File No. SR-NASDAQ-2025-016]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt Nasdaq Rule 5712 To Provide for the Listing and Trading of Commodity- and Digital Asset-Based Investment Interests and To List and Trade Shares of the Hashdex Nasdaq Crypto Index US ETF Under Proposed Nasdaq Rule 5712

April 17, 2025.

On February 18, 2025, The Nasdaq Stock Market LLC ("Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ a proposed rule change to adopt new Nasdaq Rule 5712 to provide for the listing and trading of Commodity- and Digital Asset-Based Investment Interests, and to list and trade shares of the Hashdex Nasdaq Crypto Index US ETF under proposed Nasdaq Rule 5712. On February 27, 2025, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original filing in its entirety. The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on March 7, 2025.⁴

Section 19(b)(2) of the Act⁵ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is April 21, 2025. The Commission is extending this 45-day time period.

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ See Securities Exchange Act Release No. 102513 (Mar. 3, 2025), 90 FR 11563. The Commission has received no comments on the proposed rule change, as modified by Amendment No. 1.

⁵ 15 U.S.C. 78s(b)(2).

¹⁷ See *supra* note 6.

¹⁸ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁹ 17 CFR 200.30-3(a)(12).

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change, as modified by Amendment No. 1, so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁶ designates June 5, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NASDAQ–2025–016).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–06911 Filed 4–22–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102879; File No. SR–MIAX–2025–15]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 208, MIAx Billing System

April 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act” or “Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on April 3, 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 and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 208, MIAx Billing System, to enable the Exchange, upon request by the Member³ and approval

by the Exchange, to permit an Exchange Member to provide alternative payment instructions for purposes of the Exchange’s direct debit process for the collection of fees and other monies due and owing 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.

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 208, MIAx Billing System, to enable the Exchange, upon request by the Member and approval by the Exchange, to permit a Member to provide alternative payment instructions (*i.e.*, other than the designated Clearing Member’s⁴ account number at the Clearing Corporation,⁵ as currently required by Exchange Rule 208) for purposes of the Exchange’s direct debit process for the collection of fees and other monies due and owing to the Exchange.

Currently, Exchange Rule 208 provides that every Member must designate a Clearing Member for the payment of the Member’s Exchange invoices and vendor invoices for Exchange-related services assessed by the Exchange by means of the Exchange’s MIAx Billing System (“MBS”). The designated Clearing Member shall pay to the Exchange on a timely basis the full amount of each monthly Exchange invoice. Such

payments shall be drafted by the Exchange against the designated Clearing Member’s account at the Clearing Corporation.

The proposed rule change would provide that the Exchange will, upon request, waive the requirement for a Member to designate a Clearing Member and instead require such Member to provide alternative payment instructions as agreed to by the Exchange for purposes of permitting the Exchange to debit certain fees, as determined by the Exchange; provided, however, that the Exchange reserves the right to require any such Member to designate a Clearing Member for such purposes as set forth above if the Exchange encounters repeated failed collection attempts using such alternative payment instructions.

The purpose of the proposed change is to provide the Exchange with the flexibility to agree to an alternative payment arrangement with a Member if such Member so requests, as the Exchange understands that certain Members may have an operational burden associated with remitting payment to the Exchange through a Clearing Member’s account with the Clearing Corporation. Under the proposed rule change, any such alternative payment instructions must: (i) be agreed to by the Exchange for a specified fee; and (ii) permit the Exchange to initiate the debit of any fees and other monies due and owing to the Exchange in a manner similar to the current requirement with respect to a Clearing Member’s account with the Clearing Corporation (*i.e.*, a direct debit process). The requirement that such alternative payment instructions must be agreed to by the Exchange is intended to be an objective standard, and the Exchange’s ability to agree to such alternative payment instructions would be exercised uniformly with respect to any Member that so requests to the extent such alternative payment instructions reasonably appear to permit the Exchange to utilize a direct debit process for a certain fee.

The Exchange notes that several exchanges provide for substantively similar alternative payment provisions in their billing rules for equity members that may want to pay exchange fees via an alternative method.⁶

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with

⁶ 15 U.S.C. 78s(b)(2).

⁷ 17 CFR 200.30–3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 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.

⁴ The term “Clearing Member” means a Member that has been admitted to membership in the Clearing Corporation pursuant to the provisions of the rules of the Clearing Corporation. *See* Exchange Rule 100.

⁵ The term “Clearing Corporation” means The Options Clearing Corporation. *Id.*

⁶ *See, e.g.*, MEMX LLC (“MEMX”) Rule 15.3; NYSE American LLC (“NYSE American”) Rule 41(a); NYSE Arca, Inc. (“NYSE Arca”) Rule 3.7.

Section 6(b) of the Act,⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁸ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange also believes the proposed rule change is consistent with the Section 6(b)(5)⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(1)¹⁰ requirement that it be so organized and have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its Members and persons associated with its Members, with the provisions of the Act, the rules and regulations thereunder, and the Exchange's Rules.

The Exchange believes the proposed change to enable the Exchange, upon request, to permit a Member to provide alternative payment instructions (*i.e.*, other than the Clearing Member's account number with the Clearing Corporation, as currently required by Exchange Rule 208) for purposes of the Exchange's direct debit collection process is appropriate and consistent with Section 6(b)(1) of the Act,¹¹ as such change would provide the Exchange with the flexibility to agree to an alternative payment arrangement with a Member that has an operational burden associated with remitting payment to the Exchange through a Clearing Member's account with the Clearing Corporation, thereby enabling it to be so organized and have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its Members and persons associated with its Members, with the Exchange's Rules relating to payment of fees and other monies due and owing to the Exchange. The Exchange also believes that reserving the right to revert to the general rule (*i.e.*, to require a Clearing Member's account number

with the Clearing Corporation for direct debit purposes) with respect to any such Member if the Exchange encounters repeated failed collection attempts using such alternative payment instructions is appropriately designed to ensure that it is able to collect the fees and other monies due and owing to the Exchange through its standard collection process if warranted, and is thus consistent with the Act for similar reasons.

Additionally, as this proposed change is designed to give the Exchange and its Members flexibility regarding their payment arrangements while providing a safeguard by which the Exchange may revert to its standard collection process, the Exchange believes it would promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, 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. This proposed change is also equitable and not unfairly discriminatory because it is based on objective standards and would apply equally to all Members for registration as such, as described above. The proposed change is also based on billing and collection rules in place at several equity exchanges, which provide for substantively similar alternative payment provisions in their billing rules for equity members that may want to pay exchange fees via an alternative method.¹²

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change to enable the Exchange to agree to alternative payment instructions for the Exchange's direct debit collection process would apply equally to all Members as the opportunity to request that the Exchange agree to alternative payment instructions will be available to any such Member and the Exchange's ability to agree to such alternative payment instructions would be exercised uniformly on an objective basis.

The Exchange does not believe such proposed changes would impair the ability of Members or competing order execution venues to maintain their competitive standing in the financial

markets, and therefore, the Exchange does not believe the proposal will impose any burden on intermarket competition. Moreover, because the proposed changes would apply equally to all Members, the Exchange does not believe the proposal would impose any burden on intramarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Act¹³ and Rule 19b-4(f)(6)¹⁴ 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.

A proposed rule change filed under Rule 19b-4(f)(6)¹⁵ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁶ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. In the filing, the Exchange stated that the proposed change is based on billing and collection rules in place at several equity exchanges, which provide for substantively similar alternative payment provisions in their billing rules for equity members that may want to pay exchange fees via an alternative method.¹⁷ The proposed change does not raise any novel issues and provides the Exchange with the flexibility to agree to an alternative payment arrangement with a Member, while reserving the right to revert to the general rule (*i.e.*, to require a Clearing Member's account number with the Clearing Corporation for direct debit purposes) if the Exchange encounters

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

⁹ *Id.*

¹⁰ 15 U.S.C. 78(b)(1).

¹¹ 15 U.S.C. 78(b)(1).

¹² See *supra* note 6.

¹³ 15 U.S.C. 78s(b)(3)(A).

¹⁴ 17 CFR 240.19b-4(f)(6).

¹⁵ 17 CFR 240.19b-4(f)(6).

¹⁶ 17 CFR 240.19b-4(f)(6)(iii).

¹⁷ See *supra* note 6.

repeated failed collection attempts using such alternative payment instructions, and therefore, waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.¹⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-MIAX-2025-15 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-2025-15. 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-2025-15 and should be submitted on or before May 14, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-06915 Filed 4-22-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102884; File No. SR-NYSEAMER-2025-25]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the NYSE American Options Fee Schedule Regarding Certain Fees and Rebates Applicable to Volume Executed in the CUBE Auctions

April 17, 2025.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 ("Act") ² and Rule 19b-4 thereunder,³ notice is hereby given that, on April 15, 2025, NYSE American LLC ("NYSE American" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE American Options Fee Schedule ("Fee Schedule") to (1) adopt an alternative means of qualifying for Initiating Participant Credits for the single-leg CUBE Auction based on monthly executions of initiating Complex CUBE Orders; and (2) to adopt, for each CUBE Auction type, a new Initiating Participant Rebate for ATP Holders that that qualify for Tier B of the Professional Volume Incentive Program. The Exchange proposes to implement the fee change effective April 15, 2025.⁴ The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule to (1) adopt an alternative means of qualifying for Initiating Participant Credits for the single-leg CUBE Auction based on monthly executions of initiating Complex CUBE Orders; and (2) to adopt a new Initiating Participant Rebate for ATP Holders that that qualify for Tier B of the Professional Volume Incentive Program, which rebate is available in each CUBE Auction (*i.e.*, single-leg, Complex, and AON CUBE).⁵

⁴ On April 1, 2025, the Exchange filed to amend the Fee Schedule (NYSEAMER-2025-20) and withdrew such filing on April 15, 2025.

⁵ See generally Rules 971.1NYP and 971.2NYP and Commentaries .04 (describing the CUBE Auction, which is an electronic crossing mechanism for single-leg, complex, and AON orders with a price improvement auction on the Exchange).

¹⁸ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

The Exchange offers certain “Initiating Participant” credits and rebates to ATP Holders that submit “CUBE Orders” to its Customer Best Execution (“CUBE”) Auctions.⁶ Currently, for the single-leg CUBE Auction, ATP Holders receive (base level) Initiating Participant Credits of (\$0.26) per contract for Penny Issues and (\$0.65) per contract for Non-Penny Issues. However, ATP Holders that execute at least 0.40% of TCADV⁷ in Electronic Customer Complex Orders are eligible for enhanced Initiating Participant Credits of (\$0.30) per contract for Penny Issues and (\$0.70) per contract for Non-Penny Issues.⁸ The Exchange proposes to adopt an alternative means for ATP Holders to achieve these same enhanced Initiating Participant credits. Specifically, ATP Holders that execute at least 0.40% of TCADV in monthly initiating Complex CUBE Orders (inclusive of AON Complex CUBE Orders) are eligible to receive the enhanced Initiating Participant Credits of (\$0.30) per contract for Penny Issues and (\$0.70) per contract for Non-Penny Issues.⁹ The proposed change is designed to encourage ATP Holders to (continue to) utilize its single-leg CUBE Auction and to direct (and increase) their complex auction order flow (*i.e.*, Complex CUBE and AON Complex CUBE) to the Exchange.

Currently, the Exchange also offers certain Initiating Participant Rebates, payable in addition to the Initiating Participant Credits, including (but not limited to) the American Customer Engagement (“ACE”) Initiating Participant Rebate, which is available to ACE participants in all CUBE Auctions.¹⁰ The Exchange proposes to adopt a new Initiating Participant

Rebate that will be available to ATP Holders that qualify for Tier B of the Professional Volume Incentive program (the “Professional IP Rebate”).¹¹

The Professional Volume Incentive (the “Incentive”) offers qualifying ATP Holders discounted rates on their total monthly Professional Volume and credits on their monthly Customer Electronic volume at the same rate as participants that achieve Tier 1 in the ACE Program.¹² The Professional IP Rebate will pay (\$0.12) per contract, be available in each of the CUBE Auctions—*i.e.*, for the single-leg CUBE Auction, the Complex CUBE Auction, and the AON CUBE Auction.¹³ Consistent with current practice, this proposed rebate is paid in addition to Initiating Participant credits and ATP Holders that qualify for more than one Initiating Participant Rebate would be entitled only to the highest of the earned rebates.¹⁴ Regarding AON CUBE Orders, the Exchange notes that the proposed Professional IP Rebate will not apply to AON CUBE Orders executed by a Floor Broker as such volume may be eligible for the Floor Broker Initiating Participant Rebate.¹⁵ The Exchange notes that the proposed Professional IP Rebate would enable non-ACE Program participants to qualify for an additional Rebate on initiating CUBE Orders provided they meet certain Professional volume requirements.

To the extent that the proposed modifications continue to encourage

ATP Holders to initiate CUBE Auctions—whether single-leg, complex, or AON—and to further incentivize ATP Holders to increase their Professional and Customer volume on the Exchange, all market participants stand to benefit from increased liquidity and opportunities for price improvement. Increased order flow promotes market depth, facilitates tighter spreads and enhances price discovery, which enhances market quality for all participants.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹⁶ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,¹⁷ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The proposed changes to the Fee Schedule are reasonable, equitable, and not unfairly discriminatory. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options securities transaction services that constrain its pricing determinations in that market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that 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.”¹⁸

There are currently 18 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.¹⁹ Therefore, currently no exchange possesses significant pricing power in

⁶ See Fee Schedule Section I.G (CUBE Auction Fees & Credits) (describing pricings and incentives for each of the Single-Leg CUBE Auction, the Complex CUBE Auction, and the AON CUBE Auction).

⁷ “TCADV” refers to Total Industry Customer equity and ETF option average daily volume. See *id.* KEY TERMS and DEFINITIONS.

⁸ Initiating Participant Credits are payable to the Initiating Participant for each contract in a Contra Order paired with a CUBE Order that does not trade with the CUBE Order because it is replaced in the auction. See Fee Schedule Section I.G (CUBE Auction Fees & Credits).

⁹ See proposed Fee Schedule, Section I.G. (CUBE Auction Fees & Credits) (providing the alternative qualifying basis in note 1 to the table setting forth pricing for single-leg CUBE Auctions).

¹⁰ See Fee Schedule Sections I.E. (American Customer Engagement (“ACE”) Program). See also Fee Schedule Section I.G (CUBE Auction Fees & Credits) (providing in note 2 to each of the tables setting forth pricing for the Single-Leg CUBE Auction, the Complex CUBE Auction, and the AON CUBE Auction, the requirements to achieve the ACE Initiating Participant Rebate, which pays (\$0.12) per contract).

¹¹ For purposes of the Professional Volume Incentive program, “Professional” volume includes certain qualifying volume that clears in the Professional Customer, Broker Dealer, Non-NYSE American Options Market Maker, and Firm ranges. See Section I.H. (Professional Volume Incentive) (describing the Incentive as well as what constitutes “Qualifying Volume”).

¹² See *id.* To achieve Tier B of this Incentive, ATP Holders must execute “Qualifying Volume,” that clears in the Professional range, of at least 0.30% of TCADV. See *id.* ATP Holders that achieve Tier B “are eligible to receive a credit of \$0.10 per contract on Customer Electronic Simple and Complex executions, excluding CUBE Auctions, QCC Transactions, and volume from orders routed to another exchange,” if such ATP Holders meet certain monthly qualification levels. See *id.*

¹³ See proposed Fee Schedule Section I.G (CUBE Auction Fees & Credits) (adopting the (\$0.12) per contract Professional IP Rebate in note 3 to each of the tables setting forth pricing for Single-Leg CUBE Auction, the Complex CUBE Auction, and the AON CUBE Auction). See *supra* note 10 (regarding the ACE Initiating Participant Rebate).

¹⁴ See Fee Schedule Section I.G (CUBE Auction Fees & Credits) (providing in note 2 to each of the tables setting forth pricing for the Single-Leg CUBE Auction, the Complex CUBE Auction, and the AON CUBE Auction, that ATP Holders are eligible for only one Initiating Participant Rebate).

¹⁵ See *id.* Consistent with the proposal, the existing ACE Initiating Participant Rebate is likewise not applied to AON CUBE Orders executed by a Floor Broker, as set forth in note 2 to the table setting forth pricing for the AON CUBE Auction. See *id.*

¹⁶ 15 U.S.C. 78f(b).

¹⁷ 15 U.S.C. 78f(b)(4) and (5).

¹⁸ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (“Reg NMS Adopting Release”).

¹⁹ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics>.

the execution of multiply-listed equity and ETF options order flow. More specifically, in February 2025, the Exchange had 6.65% market share of executed volume of multiply-listed equity & ETF options trades.²⁰ In such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of option order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules.

In response to these competitive forces and as discussed herein, the Exchange has established various pricing incentives regarding its CUBE Auctions, including (but not limited to) the (base and enhanced) Initiating Participant credits and various Initiating Participant rebates that are designed to encourage ATP Holders to utilize the Auction and to direct (increased) volume to the Exchange.

The Exchange believes that the proposed fee change to offer an alternative means to achieve an enhanced Initiating Participant credit—in the same amount as is currently available—for the single-leg CUBE Auction is reasonable, equitable, and not unfairly discriminatory. First, the Exchange is merely offering ATP Holders another way to earn the same enhanced credits, with the difference being that the proposed credits are tied to initiating Complex CUBE (inclusive of AON Complex CUBE) volume (rather than electronic Complex Order volume). As such, the proposed change does not alter an ATP Holder's ability to (continue to) qualify for the existing enhanced Initiating Participant credit. The proposed alternative qualification basis is reasonable because it is designed to encourage ATP Holders to utilize both the single-leg and Complex CUBE Auction mechanisms, which may incentivize ATP Holders to direct their paired-auction volume—as well as other volume—to the Exchange, which increased liquidity promotes market depth and enhances market quality to the benefit of all market participants.

The Exchange believes that the proposal represents an equitable allocation of credits and is not unfairly discriminatory because the proposal is based on the amount and type of

business transacted on the Exchange. ATP Holders are not obligated to participate in CUBE Auctions or to attempt to achieve the proposed enhanced Initiating Participant credit. In addition, the proposed change will apply equally to all similarly-situated ATP Holders.

The Exchange believes the proposed fee change to adopt a new Professional IP Rebate that will be available to ATP Holders that initiate CUBE Auctions on the Exchange, is reasonable, equitable, and not unfairly discriminatory. First, the addition of this Rebate does not alter an ATP Holder's ability to qualify for the existing rebates, which rebates are not being altered by this proposal. In addition, the proposed Rebate provides all ATP Holders (including ACE program participants) another avenue through which to earn a Rebate for their initiating CUBE Order volume. Further, this proposed Rebate is designed to allow ATP Holders that do not participate in the ACE Program—and are therefore not eligible for the ACE Initiating Participant Rebate—an opportunity to qualify for a Rebate. The Exchange notes that the proposed Rebate would operate in the same manner as existing rebates such that ATP Holders may only receive the highest rebate achieved and, in the case of AON CUBE Auctions, that AON CUBE Orders executed by a Floor Broker are not eligible for the proposed Rebate. Moreover, the proposed Professional IP Rebate is reasonable because it is designed to encourage ATP Holders to utilize the CUBE Auction mechanisms as well as to increase their (qualifying) Professional volume, which may incentivize ATP Holders to use the Exchange as their primary trading venue. To the extent the proposed Rebate increases order flow directed to the Exchange, this increased liquidity will promote market depth and enhance market quality to the benefit of all market participants.

The Exchange believes that the proposed Professional IP Rebate represents an equitable allocation of credits/rebates and is not unfairly discriminatory because the proposal is based on the amount and type of business transacted on the Exchange. ATP Holders are not obligated to participate in CUBE Auctions or to attempt to achieve the proposed Rebate by increasing (or directing) qualifying Professional order flow to the Exchange. In addition, the proposed change will apply equally to all similarly-situated ATP Holders. Further, like the proposed Rebate, which is designed to encourage Professional order flow, the Exchange currently offers pricing incentives

designed to encourage ATP Holders to direct certain types of order flow to the Exchange, including the ACE Program and the ACE Initiating Participant Rebate. In addition, the Exchange offers pricing incentives designed to encourage activity by certain market participants (e.g., Market Makers and Floor Brokers) that play an important role in facilitating transactions on the Exchange.²¹ Like these other pricing incentives, the proposed Rebate is designed to encourage participants to utilize the Exchange as a primary trading venue (if they have not done so previously) and increase volume sent to the Exchange, including auction, Customer, and Professional volume.

To the extent that the proposed changes attract more executions to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for order execution. Thus, the Exchange believes the proposed rule changes would improve market quality for all market participants on the Exchange and attract more order flow to the Exchange thereby improving market-wide quality and price discovery. The resulting increased volume and liquidity would provide more trading opportunities and tighter spreads to all market participants and thus would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would continue to encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes "more efficient pricing

²⁰ Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.*, the Exchanges market share in equity-based options decreased slightly from 7.64% for the month of February 2024 to 6.65% for the month of February 2025.

²¹ *See, e.g.*, Fee Schedule, Sections I.C. (NYSE American Options Market Maker Sliding Scale—Electronic); I.D. ([Market Maker] Prepayment Program); and III.E.1. (Floor Broker Fixed Cost Prepayment Incentive Program).

of individual stocks for all types of orders, large and small.”²²

Intramarket Competition

The Exchange believes that this proposal to offer an alternative means of achieving existing Initiating Participant Credits and to adopt a new Professional IP Rebate does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes apply equally to all similarly-situated ATP Holders. Further, the proposal is based on the amount and type of business transacted on the Exchange and ATP Holders are not obligated to participate in CUBE Auctions or to avail themselves of the proposed Rebate. In addition, the proposed Rebate is similar to existing pricing incentives designed to increase certain types of order flow (e.g., Customer) or to encourage participation by certain market participants—all of which are designed to increase liquidity and market quality on the Exchange to the benefit of all market participants. The Exchange does not believe that the proposed changes will adversely impact any ATP Holder's ability to qualify for existing pricing incentives related to initiating CUBE Auctions as this proposal does not alter (and will not impact the availability of) the existing credits and rebates. This proposal is designed to encourage participants to utilize the Exchange as a primary trading venue (if they have not done so previously), particularly as relates to initiating CUBE Auctions and directing (or increasing) their qualifying Professional volume directed to the Exchange. As such, the Exchange believes this proposal will help promote competition by providing incentives for market participants to continue to submit CUBE Orders (*i.e.*, Customer order flow) to the Exchange and thus, create a greater opportunity for Customers to receive additional price improvement and access greater liquidity.

Intermarket Competition

The Exchange operates in a highly competitive market in which market participants can readily favor one of the other 17 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available

information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.²³ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in February 2025, the Exchange had 6.65% market share of executed volume of multiply-listed equity & ETF options trades.²⁴

The Exchange believes that the proposed rule change reflects this competitive environment as it is designed to encourage ATP Holders to direct trading interest to the Exchange, to provide liquidity and to attract order flow. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)²⁵ of the Act and subparagraph (f)(2) of Rule 19b-4²⁶ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²⁷ of the Act to

determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-2025-25 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSEAMER-2025-25. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSEAMER-2025-25 and should be submitted on or before May 14, 2025.

²² See Reg NMS Adopting Release, *supra* note 18, at 37499.

²³ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics>.

²⁴ Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.*, the Exchanges market share in equity-based options decreased slightly from 7.64% for the month of February 2024 to 6.65% for the month of February 2025.

²⁵ 15 U.S.C. 78s(b)(3)(A).

²⁶ 17 CFR 240.19b-4(f)(2).

²⁷ 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-06916 Filed 4-22-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102883; File No. SR-CBOE-2025-028]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase the Options Regulatory Fee Until December 31, 2025

April 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 15, 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 amend its Fees Schedule relating to the Options Regulatory Fee. 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 increase the Options Regulatory Fee (“ORF”) from \$0.0017 per contract side to \$0.0023 per contract side,³ effective April 1, 2025.⁴

Background

Today, ORF is assessed by Cboe Options to each Trading Permit Holder (“TPH”) for options transactions cleared by the TPH that are cleared by the Options Clearing Corporation (“OCC”) in the customer range, regardless of the exchange on which the transaction occurs.⁵ In other words, the Exchange imposes the ORF on all customer-range transactions cleared by a TPH, even if the transactions do not take place on the Exchange. The ORF is collected by OCC on behalf of the Exchange from the Clearing Trading Permit Holder (“CTPH”) or non-CTPH that ultimately clears the transaction. With respect to linkage transactions, Cboe Options reimburses its routing broker providing Routing Services pursuant to Cboe Options Rule 5.36 for options regulatory fees it incurs in connection with the Routing Services it provides.

Revenue generated from ORF, when combined with all of the Exchange’s other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of TPH customer options business including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Regulatory costs include direct regulatory expenses and certain indirect expenses for work allocated in support of the regulatory function. The direct expenses include in-house and third-party service provider costs to support

the day-to-day regulatory work such as surveillances, investigations and examinations. The indirect expenses include support from such areas as human resources, legal, compliance, information technology, facilities and accounting. These indirect expenses are estimated to be approximately 38% of Cboe Options’ total regulatory costs for 2025. Thus, direct expenses are estimated to be approximately 62% of total regulatory costs for 2025. In addition, based on Cboe Options’ analysis of its regulatory work associated with options regulation, and considering other regulatory revenue, it is Cboe Options’ practice that revenue generated from ORF not exceed more than 75% of total annual regulatory costs. These expectations are estimated, preliminary and may be subject to change. Currently, and for quite some time now, Cboe Options has been collecting significantly lower than the 75% threshold. Under the current rate, Cboe Options forecasts for 2025 to collect closer to 43%. Even with this proposed increase, the forecast only goes up to approximately 54%.⁶

Proposal for April 1, 2025

The Exchange monitors its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs in a given year, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. Although Cboe Options has been collecting at levels that do not cover a material portion of its regulatory expenses, it has not raised its rate for quite some time now but for this proposal.

The Exchange also notifies TPHs of adjustments to the ORF via an Exchange Notice, including for the change being proposed herein.⁷ Based on the Exchange’s most recent semi-annual review, the Exchange is proposing to temporarily increase the amount of ORF that will be collected by the Exchange from \$0.0017 per contract side to \$0.0023 per contract side.⁸ The proposed increase is based on the Exchange’s estimated projections for its regulatory costs, which projections have increased, coupled with a projected decrease in the Exchange’s other non-

³ The Exchange also proposes to make nonsubstantive changes to the rule text that the ORF fee is charged per contract side. This is consistent with how the ORF fee has been charged and is merely a clarification to the Fees Schedule.

⁴ The Exchange initially filed the proposed fee changes on April 1, 2025 (SR-CBOE-2025-023). On April 15, 2025, the Exchange withdrew that filing and submitted this proposal.

⁵ The Exchange notes ORF also applies to customer-range transactions executed during Global Trading Hours.

⁶ The Exchange is not looking to capture its traditional 75% threshold at this time, since it is evaluating and considering a change to a new ORF model.

⁷ See Exchange Notice, C2025022804 “Cboe C1 Options Exchanges Regulatory Fee Update Effective April 1, 2025.”

⁸ The Exchange proposes to have an automatic sunset the proposed fee on December 31, 2025.

²⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

ORF regulatory fees. Particularly, based on the Exchange's estimated projections for its regulatory costs, the revenue generated by ORF using the current rate, would result in projected revenue that is insufficient to cover a material portion of its regulatory costs (*i.e.*, less than 75% of total annual regulatory costs). Further, when combined with the Exchange's projected other non-ORF regulatory fees and fines, the revenue generated by ORF using the current rate results is projected to result in combined revenue that is less than 100% of the Exchange's estimated regulatory costs for the year. As noted above, even with this rate increase, the amount collected by Cboe Options will be significantly lower than the 75% threshold. As the Exchange has done in the past, the Exchange will also provide the Commission confidential details regarding the Exchange's projected regulatory revenue, including projected revenue from ORF, along with a breakout of its projected regulatory expenses, including both direct and indirect allocations.

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs.

Future Proposals

Cboe Options appreciates the evolving changes in the markets and regulatory environment and has been evaluating its options while considering industry and regulatory feedback. In light of this, the Exchange has recently been reviewing its current methodologies and practices for the assessment and collection of ORF. As a result of this review, the Exchange plans to revamp the current process of assessing and collecting ORF, which would be subject to, and described further in, a future rule filing. Particularly, the Exchange anticipates moving to a modified ORF model in which ORF would only be assessed to on-exchange transactions. And at this time, Cboe Options expects to continue assessing ORF to on-exchange transactions that clear in the customer range at OCC. Further, Cboe Options expects to continue its current practice that revenue generated from ORF not exceed more than 75% of total annual regulatory costs. And as is Cboe Options' practice today, revenue generated by ORF will not be used for non-regulatory purposes.

To create real ORF reform, moving to a new ORF model that only assesses a fee to transactions that occur on one's own options exchange seems right. However, for a new, modified model to

be truly meaningful and fair, a rate limited to transactions on one's own exchange should be adopted by all options exchanges to provide a consistent methodology in assessing and collecting ORF going forward. Cboe Options is committed to switching to this new model as soon as a consistent framework has been established with the SEC, adopted by all the options exchanges and necessary regulatory filings submitted. Until that time, Cboe Options believes it's fair and reasonable to temporarily raise the current rate under the existing model.

In light of the Exchange's anticipated proposal to revamp ORF, the Exchange also proposes to adopt a sunset date of December 31, 2025 for the current proposed rate of \$0.0023 per contract side, at which point the Exchange would revert back to current ORF rate of \$0.0017 per contract side. The proposed sunset date will provide time for the Exchange to discuss its anticipated, or potential alternative, ORF model with TPHs towards establishment of one new, unified model going forward. The Exchange will endeavor however to implement the modified ORF structure noted above prior to the proposed December 31 sunset date (*i.e.*, the existence of the sunset date of December 31, 2025 for the proposed ORF rate would not preclude the Exchange from filing to modify its ORF methodology prior to that date, if able).

Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁹ Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,¹⁰ which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹¹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed fee change is reasonable because it would help ensure that revenue collected from the ORF, in combination with other regulatory fees and fines,

would help offset, but not exceed, the Exchange's total regulatory costs. As discussed, the Exchange has designed the ORF to generate revenues that would be less than or equal to 75% of the Exchange's regulatory costs, which is consistent with the practice across the options industry and the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business side. The Exchange determined to increase ORF after its semi-annual review of its regulatory costs and regulatory revenues, which includes revenues from ORF and other regulatory fees and fines. When taking into account recent options volume, coupled with the anticipated regulatory fees and anticipated reductions in other regulatory fees, the Exchange believes it's reasonable to increase the ORF. Particularly, the proposed change is reasonable as it would offset the anticipated increased regulatory costs, while still not exceeding 75% of the Exchange's total regulatory costs. Moreover, the proposed amount is still lower than the amount of ORF assessed on other exchanges¹² and significantly lower than the Exchange has assessed previously.¹³ Further, the fact that a Consolidated Audit Trail ("CAT") fee is in place, should not preclude the Exchange from assessing ORF. The CAT is a repository of order, trade and customer information that is used as the basis for an audit trail of such activities. Like the firms, the exchanges, including Cboe Options, also pays a CAT fee, which Cboe Options does not include in the offset under ORF. Yes, the Exchange uses CAT data as part of its regulatory work, but only from an audit trail perspective. ORF, on the other hand, offsets the regulatory work the Exchange actually performs such as surveillances, investigations, examinations, etc. In light of these differences, its fair and reasonable to continue assessing ORF in light of the existence of CAT and the fees associated with it.

As noted above, the Exchange will also continue to monitor on at least a semi-annual basis the amount of

¹² See *e.g.*, NYSE Arca Options Fees and Charges, Options Regulatory Fee ("ORF") and NYSE American Options Fees Schedule, Section VII(A), which provide that ORF is assessed at a rate of \$0.0038 per contract side for each respective exchange. See also Nasdaq PHLX, Options 7 Pricing Schedule, Section 6(D), which provides for an ORF rate of \$0.0034 per contract side.

¹³ See *e.g.*, Securities Exchange Act Release No. 71007 (December 6, 2013), 78 FR 75653 (December 12, 2013) (SR-CBOE-2013-117) (filing to increase ORF to \$0.0095 per contract side). See also Securities Exchange Act Release No. 76993 (January 28, 2016), 81 FR 5800 (February 3, 2016) (SR-CBOE-2016-004) (filing to increase ORF to \$0.0081 per contract side).

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(4).

¹¹ 15 U.S.C. 78f(b)(5).

revenue collected from the ORF, even as amended, to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. If the Exchange determines regulatory revenues would exceed its regulatory costs in a given year, the Exchange will reduce the ORF by submitting a fee change filing to the Commission.¹⁴

The Exchange also believes the proposed fee change is equitable and not unfairly discriminatory in that it is charged to all TPHs on all their transactions that clear in the customer range at the OCC. The Exchange believes the ORF ensures fairness by assessing higher fees to those TPHs that require more Exchange regulatory services based on the amount of customer options business they conduct. Regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. For example, there are costs associated with main office and branch office examinations (e.g., staff and travel expenses), as well as investigations into customer complaints and the terminations of Registered persons. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (e.g., TPH proprietary transactions) of its regulatory program.¹⁵ Moreover, the Exchange notes that it has broad regulatory responsibilities with respect to its TPHs' activities, irrespective of where their transactions take place. Many of the Exchange's surveillance programs for customer trading activity may require the Exchange to look at activity across all markets, such as reviews related to position limit violations and manipulation. Indeed, the Exchange cannot effectively review for such conduct without looking at and evaluating activity regardless of where it transpires. In addition to its own surveillance programs, the Exchange also works with other SROs and exchanges on intermarket surveillance

related issues. Through its participation in the Intermarket Surveillance Group ("ISG")¹⁶ the Exchange shares information and coordinates inquiries and investigations with other exchanges designed to address potential intermarket manipulation and trading abuses. Accordingly, there is a strong nexus between the ORF and the Exchange's regulatory activities with respect to its TPHs' customer trading activity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This proposal does not create an unnecessary or inappropriate intra-market burden on competition because ORF applies to all customer activity, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. The Exchange notes, however, 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 is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

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 Act¹⁷ and paragraph (f) of Rule 19b-4¹⁸ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CBOE-2025-028 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-2025-028. 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

¹⁴ Consistent with Rule 2.2 (Regulatory Revenue), the Exchange notes that should excess ORF revenue be collected prior to any reduction in an ORF rate, such excess revenue will not be used for nonregulatory purposes.

¹⁵ If the Exchange changes its method of funding regulation or if circumstances otherwise change in the future, the Exchange may decide to modify the ORF or assess a separate regulatory fee on TPH proprietary transactions if the Exchange deems it advisable.

¹⁶ ISG is an industry organization formed in 1983 to coordinate intermarket surveillance among the SROs by cooperatively sharing regulatory information pursuant to a written agreement between the parties. The goal of the ISG's information sharing is to coordinate regulatory efforts to address potential intermarket trading abuses and manipulations.

¹⁷ 15 U.S.C. 78s(b)(3)(A).

¹⁸ 17 CFR 240.19b-4(f).

subject to copyright 4protection. All submissions should refer to file number SR-CBOE-2025-028 and should be submitted on or before May 14, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,

Assistant Secretary.

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BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102881; File No. SR-EMERALD-2025-09]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 208, MIAX Emerald Billing System

April 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act” or “Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 3, 2025, MIAX Emerald, LLC (“MIAX Emerald” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 208, MIAX Emerald Billing System, to enable the Exchange, upon request by the Member³ and approval by the Exchange, to permit an Exchange Member to provide alternative payment instructions for purposes of the Exchange’s direct debit process for the collection of fees and other monies due and owing 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/miax-options/rule-filings>, at the Exchange’s principal office, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 208, MIAX Emerald Billing System, to enable the Exchange, upon request by the Member and approval by the Exchange, to permit a Member to provide alternative payment instructions (*i.e.*, other than the designated Clearing Member’s⁴ account number at the Clearing Corporation,⁵ as currently required by Exchange Rule 208) for purposes of the Exchange’s direct debit process for the collection of fees and other monies due and owing to the Exchange.

Currently, Exchange Rule 208 provides that every Member must designate a Clearing Member for the payment of the Member’s Exchange invoices and vendor invoices for Exchange-related services assessed by the Exchange by means of the Exchange’s MIAX Emerald Billing System (“EBS”). The designated Clearing Member shall pay to the Exchange on a timely basis the full amount of each monthly Exchange invoice. Such payments shall be drafted by the Exchange against the designated Clearing Member’s account at the Clearing Corporation.

The proposed rule change would provide that the Exchange will, upon request, waive the requirement for a Member to designate a Clearing Member and instead require such Member to provide alternative payment instructions as agreed to by the Exchange for purposes of permitting the Exchange to debit certain fees, as

determined by the Exchange; provided, however, that the Exchange reserves the right to require any such Member to designate a Clearing Member for such purposes as set forth above if the Exchange encounters repeated failed collection attempts using such alternative payment instructions.

The purpose of the proposed change is to provide the Exchange with the flexibility to agree to an alternative payment arrangement with a Member if such Member so requests, as the Exchange understands that certain Members may have an operational burden associated with remitting payment to the Exchange through a Clearing Member’s account with the Clearing Corporation. Under the proposed rule change, any such alternative payment instructions must: (i) be agreed to by the Exchange for a specified fee; and (ii) permit the Exchange to initiate the debit of any fees and other monies due and owing to the Exchange in a manner similar to the current requirement with respect to a Clearing Member’s account with the Clearing Corporation (*i.e.*, a direct debit process). The requirement that such alternative payment instructions must be agreed to by the Exchange is intended to be an objective standard, and the Exchange’s ability to agree to such alternative payment instructions would be exercised uniformly with respect to any Member that so requests to the extent such alternative payment instructions reasonably appear to permit the Exchange to utilize a direct debit process for a certain fee.

The Exchange notes that several exchanges provide for substantively similar alternative payment provisions in their billing rules for equity members that may want to pay exchange fees via an alternative method.⁶

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁸ in particular, in that it is 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

¹⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 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.

⁴ The term “Clearing Member” means a Member that has been admitted to membership in the Clearing Corporation pursuant to the provisions of the rules of the Clearing Corporation. *See* Exchange Rule 100.

⁵ The term “Clearing Corporation” means The Options Clearing Corporation. *Id.*

⁶ *See, e.g.*, MEMX LLC (“MEMX”) Rule 15.3; NYSE American LLC (“NYSE American”) Rule 41(a); NYSE Arca, Inc. (“NYSE Arca”) Rule 3.7.

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange also believes the proposed rule change is consistent with the Section 6(b)(5)⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(1)¹⁰ requirement that it be so organized and have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its Members and persons associated with its Members, with the provisions of the Act, the rules and regulations thereunder, and the Exchange's Rules.

The Exchange believes the proposed change to enable the Exchange, upon request, to permit a Member to provide alternative payment instructions (*i.e.*, other than the Clearing Member's account number with the Clearing Corporation, as currently required by Exchange Rule 208) for purposes of the Exchange's direct debit collection process is appropriate and consistent with Section 6(b)(1) of the Act,¹¹ as such change would provide the Exchange with the flexibility to agree to an alternative payment arrangement with a Member that has an operational burden associated with remitting payment to the Exchange through a Clearing Member's account with the Clearing Corporation, thereby enabling it to be so organized and have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its Members and persons associated with its Members, with the Exchange's Rules relating to payment of fees and other monies due and owing to the Exchange. The Exchange also believes that reserving the right to revert to the general rule (*i.e.*, to require a Clearing Member's account number with the Clearing Corporation for direct debit purposes) with respect to any such Member if the Exchange encounters repeated failed collection attempts using such alternative payment instructions is appropriately designed to ensure that it is able to collect the fees and other monies due and owing to the Exchange through its standard collection process if warranted, and is thus consistent with the Act for similar reasons.

Additionally, as this proposed change is designed to give the Exchange and its Members flexibility regarding their

payment arrangements while providing a safeguard by which the Exchange may revert to its standard collection process, the Exchange believes it would promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, 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. This proposed change is also equitable and not unfairly discriminatory because it is based on objective standards and would apply equally to all Members for registration as such, as described above.

The proposed change is also based on billing and collection rules in place at several equity exchanges, which provide for substantively similar alternative payment provisions in their billing rules for equity members that may want to pay exchange fees via an alternative method.¹²

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change to enable the Exchange to agree to alternative payment instructions for the Exchange's direct debit collection process would apply equally to all Members as the opportunity to request that the Exchange agree to alternative payment instructions will be available to any such Member and the Exchange's ability to agree to such alternative payment instructions would be exercised uniformly on an objective basis.

The Exchange does not believe such proposed changes would impair the ability of Members or competing order execution venues to maintain their competitive standing in the financial markets, and therefore, the Exchange does not believe the proposal will impose any burden on intermarket competition. Moreover, because the proposed changes would apply equally to all Members, the Exchange does not believe the proposal would impose any burden on intramarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Act¹³ and Rule 19b-4(f)(6)¹⁴ 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.

A proposed rule change filed under Rule 19b-4(f)(6)¹⁵ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁶ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. In the filing, the Exchange stated that the proposed change is based on billing and collection rules in place at several equity exchanges, which provide for substantively similar alternative payment provisions in their billing rules for equity members that may want to pay exchange fees via an alternative method.¹⁷ The proposed change does not raise any novel issues and provides the Exchange with the flexibility to agree to an alternative payment arrangement with a Member, while reserving the right to revert to the general rule (*i.e.*, to require a Clearing Member's account number with the Clearing Corporation for direct debit purposes) if the Exchange encounters repeated failed collection attempts using such alternative payment instructions, and therefore, waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and

⁹ *Id.*

¹⁰ 15 U.S.C. 78(b)(1).

¹¹ 15 U.S.C. 78(b)(1).

¹² See *supra* note 6.

¹³ 15 U.S.C. 78s(b)(3)(A).

¹⁴ 17 CFR 240.19b-4(f)(6).

¹⁵ 17 CFR 240.19b-4(f)(6).

¹⁶ 17 CFR 240.19b-4(f)(6)(iii).

¹⁷ See *supra* note 6.

designates the proposal operative upon filing.¹⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-EMERALD-2025-09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-EMERALD-2025-09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10

a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-EMERALD-2025-09 and should be submitted on or before May 14, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-06912 Filed 4-22-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102878; File No. SR-PEARL-2025-13]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX Pearl Options Rule 208, MIAX Pearl Billing System, and MIAX Pearl Equities Rule 3002, Collection of Exchange Fees and Other Claims and Billing Policy

April 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act" or "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 3, 2025, MIAX PEARL, LLC ("MIAX Pearl" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to: (1) amend Exchange Rule 208, MIAX Pearl Billing System, to enable the Exchange, upon request by the Member³ and approval

by the Exchange, to permit an Exchange Member to provide alternative payment instructions for purposes of the Exchange's direct debit process for the collection of fees and other monies due and owing to the Exchange; and (2) amend MIAX Pearl Equities Rule 3002, Collection of Exchange Fees and Other Claims and Billing Policy, to enable MIAX Pearl Equities, upon request by the Equity Member⁴ and approval by MIAX Pearl Equities, to permit an Equity Member to provide alternative payment instructions for purposes of MIAX Pearl Equities' direct debit process for the collection of fees and other monies due and owing to MIAX Pearl Equities.

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-equities/pearl-equities/rule-filings>, at MIAX Pearl'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, MIAX Pearl 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. MIAX Pearl 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: (1) amend Exchange Rule 208, MIAX Pearl Billing System, to enable the Exchange, upon request by the Member and approval by the Exchange, to permit an Exchange Member to provide alternative payment instructions (*i.e.*, other than the designated Clearing Member's⁵ account number at the Clearing Corporation,⁶ as currently required by Exchange Rule

¹⁸ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The term "Member" means an individual or organization that is registered with the Exchange pursuant to Chapter II of the Exchange's Rules for purposes of trading on the Exchange as an

"Electronic Exchange Member" or "Market Maker." Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

⁴ The term "Equity Member" is a Member authorized by the Exchange to transact business on MIAX Pearl Equities. See Exchange Rule 1901.

⁵ The term "Clearing Member" means a Member that has been admitted to membership in the Clearing Corporation pursuant to the provisions of the rules of the Clearing Corporation. See Exchange Rule 100.

⁶ The term "Clearing Corporation" means The Options Clearing Corporation. *Id.*

208) for purposes of the Exchange's direct debit process for the collection of fees and other monies due and owing to the Exchange; and (2) amend MIAx Pearl Equities Rule 3002, Collection of Exchange Fees and Other Claims and Billing Policy, to enable MIAx Pearl Equities, upon request by the Equity Member and approval by MIAx Pearl Equities, to permit an Equity Member to provide alternative payment instructions (*i.e.*, other than the clearing account number for an account at the National Securities Clearing Corporation ("NSCC")), as currently required by MIAx Pearl Equities Rule 3002) for purposes of MIAx Pearl Equities' direct debit process for the collection of fees and other monies due and owing to MIAx Pearl Equities.

Currently, Exchange Rule 208 provides that every Member must designate a Clearing Member for the payment of the Member's Exchange invoices and vendor invoices for Exchange-related services assessed by the Exchange by means of the Exchange's MIAx Pearl Billing System ("PBS"). The designated Clearing Member shall pay to the Exchange on a timely basis the full amount of each monthly Exchange invoice. Such payments shall be drafted by the Exchange against the designated Clearing Member's account at the Clearing Corporation.

The proposed rule change to Exchange Rule 208 would provide that the Exchange will, upon request, waive the requirement for a Member to designate a Clearing Member and instead require such Member to provide alternative payment instructions as agreed to by the Exchange for purposes of permitting the Exchange to debit certain fees, as determined by the Exchange; provided, however, that the Exchange reserves the right to require any such Member to designate a Clearing Member for such purposes as set forth above if the Exchange encounters repeated failed collection attempts using such alternative payment instructions.

Currently, MIAx Pearl Equities Rule 3002 provides that every Equity Member, and all applicants for registration as such, must provide a clearing account number at NSCC for purposes of permitting MIAx Pearl Equities to debit any undisputed or final fees, fines, charges and/or other monetary sanctions or other monies due and owing to MIAx Pearl Equities, or other charges pursuant to MIAx Pearl Equities Rule 3000, including the MIAx Pearl Equities Fee Schedule; Regulatory Transaction fees pursuant to MIAx Pearl Equities Rule 3000(b); dues,

assessments and other charges pursuant to MIAx Pearl Equities Rules 1202 and 1203 to the extent MIAx Pearl Equities was to determine to charge such fees; and fines, sanctions and other charges pursuant to Chapters IX, X, and XI of the Exchange Rulebook which are due and owing to MIAx Pearl Equities.

The proposed rule change to MIAx Pearl Equities Rule 3002 would provide that MIAx Pearl Equities will, upon request, waive the requirement for an Equity Member to provide a clearing account number for an account at the NSCC and instead require such Equity Member to provide alternative payment instructions as agreed to by the Exchange for purposes of permitting the Exchange to debit certain fees, as determined by the Exchange; provided, however, that the Exchange reserves the right to require any such Equity Member to provide a clearing account number for an account at the NSCC for such purposes as set forth above if the Exchange encounters repeated failed collection attempts using such alternative payment instructions.

The purpose of the proposed changes is to provide the Exchange and MIAx Pearl Equities with the flexibility to agree to an alternative payment arrangement with a Member (or Equity Member, as the case may be) if such Member (or Equity Member) so requests, as the Exchange understands that certain Members (or Equity Members) may have an operational burden associated with remitting payment to the Exchange through a Clearing Member's account with the Clearing Corporation, or through a designated clearing account number at NSCC. Under the proposed rule changes, any such alternative payment instructions must: (i) be agreed to by the Exchange (or MIAx Pearl Equities) for a specified fee; and (ii) permit the Exchange (or MIAx Pearl Equities) to initiate the debit of any fees and other monies due and owing to the Exchange (or MIAx Pearl Equities) in a manner similar to the current requirements with respect to a Clearing Member's account with the Clearing Corporation or by providing a clearing account number for an account at NSCC (*i.e.*, a direct debit process). The requirement that such alternative payment instructions must be agreed to by the Exchange (or MIAx Pearl Equities) is intended to be an objective standard, and the Exchange's ability to agree to such alternative payment instructions would be exercised uniformly with respect to any Member (or Equity Member) that so requests to the extent such alternative payment instructions reasonably appear to permit the Exchange (or MIAx Pearl Equities)

to utilize a direct debit process for a certain fee.

The Exchange notes that several exchanges provide for substantively similar alternative payment provisions in their billing rules for equity members that may want to pay exchange fees via an alternative method.⁷

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with Section 6(b) of the Act,⁸ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁹ in particular, in that they are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange also believes the proposed rule changes are consistent with the Section 6(b)(5)¹⁰ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Additionally, the Exchange believes the proposed rule changes are consistent with the Section 6(b)(1)¹¹ requirement that it be so organized and have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its Members and Equity Members and persons associated with its Members and Equity Members, with the provisions of the Act, the rules and regulations thereunder, and the Exchange's Rules.

The Exchange believes the proposed change to enable the Exchange (or MIAx Pearl Equities), upon request, to permit a Member (or Equity Member) to provide alternative payment instructions (*i.e.*, other than the Clearing Member's account number with the Clearing Corporation, as currently required by Exchange Rule 208, or by providing a clearing account number for an account at NSCC, as currently required by MIAx Pearl Equities Rule 3002) for purposes of the Exchange's direct debit collection process is appropriate and consistent with Section

⁷ See, e.g., MEMX LLC ("MEMX") Rule 15.3; NYSE American LLC ("NYSE American") Rule 41(a); NYSE Arca, Inc. ("NYSE Arca") Rule 3.7.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ *Id.*

¹¹ 15 U.S.C. 78(b)(1).

6(b)(1) of the Act,¹² as such changes would provide the Exchange (and MIAx Pearl Equities) with the flexibility to agree to an alternative payment arrangement with a Member (or Equity Member) that has an operational burden associated with remitting payment to the Exchange (or MIAx Pearl Equities) through a Clearing Member's account with the Clearing Corporation, or by providing a clearing account number for an account at NSCC. The Exchange believes this will enable it to be so organized and have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its Members (and Equity Members) and persons associated with its Members (and Equity Members), with the Exchange's Rules relating to payment of fees and other monies due and owing to the Exchange and MIAx Pearl Equities. The Exchange also believes that reserving the right to revert to the general rule (*i.e.*, to require a Clearing Member's account number with the Clearing Corporation, or by providing a clearing account number for an account at NSCC, for direct debit purposes) with respect to any such Member (or Equity Member) if the Exchange encounters repeated failed collection attempts using such alternative payment instructions is appropriately designed to ensure that it is able to collect the fees and other monies due and owing to the Exchange through its standard collection process if warranted, and is thus consistent with the Act for similar reasons.

Additionally, these proposed changes are designed to give the Exchange and its Members (and Equity Members) flexibility regarding their payment arrangements while providing a safeguard by which the Exchange may revert to its standard collection process, the Exchange believes it would promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, 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. The proposed changes are also equitable and not unfairly discriminatory because they are based on objective standards and would apply equally to all Members and Equity Members for registration as such, as described above.

The proposed changes are also based on billing and collection rules in place

at several equity exchanges, which provide for substantively similar alternative payment provisions in their billing rules for equity members that may want to pay exchange fees via an alternative method.¹³

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change to enable the Exchange to agree to alternative payment instructions for the Exchange's direct debit collection process would apply equally to all Members and Equity Members as the opportunity to request that the Exchange agree to alternative payment instructions will be available to any such Member or Equity Member and the Exchange's ability to agree to such alternative payment instructions would be exercised uniformly on an objective basis.

The Exchange does not believe such proposed changes would impair the ability of Members or Equity Members or competing order execution venues to maintain their competitive standing in the financial markets, and therefore, the Exchange does not believe the proposal will impose any burden on intermarket competition. Moreover, because the proposed changes would apply equally to all Members and Equity Members, the Exchange does not believe the proposal would impose any burden on intramarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Act¹⁴ and Rule 19b-4(f)(6)¹⁵ 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.

A proposed rule change filed under Rule 19b-4(f)(6)¹⁶ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁷ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. In the filing, the Exchange stated that the proposed changes are based on billing and collection rules in place at several equity exchanges, which provide for substantively similar alternative payment provisions in their billing rules for equity members that may want to pay exchange fees via an alternative method.¹⁸ The proposed changes do not raise any novel issues and provide the Exchange with the flexibility to agree to an alternative payment arrangement with a Member (or Equity Member), while reserving the right to revert to the general rule (*i.e.*, to require a Clearing Member's account number with the Clearing Corporation, or by providing a clearing account number for an account at NSCC, for direct debit purposes) if the Exchange encounters repeated failed collection attempts using such alternative payment instructions, and therefore, waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.¹⁹

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission 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

¹⁶ 17 CFR 240.19b-4(f)(6).

¹⁷ 17 CFR 240.19b-4(f)(6)(iii).

¹⁸ See *supra* note 7.

¹⁹ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹² 15 U.S.C. 78(b)(1).

¹³ See *supra* note 8.

¹⁴ 15 U.S.C. 78s(b)(3)(A).

¹⁵ 17 CFR 240.19b-4(f)(6).

change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-PEARL-2025-13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-PEARL-2025-13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-PEARL-2025-13 and should be submitted on or before May 14, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-06913 Filed 4-22-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102877; File No. SR-NYSE-2025-14]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change of New Section 108.00 in the NYSE Listed Company Manual

April 17, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act"),² and Rule 19b-4 thereunder,³ notice is hereby given that on April 10, 2025, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes (1) a new Section 108.00 ("Principal Underwriter") in the NYSE Listed Company Manual establishing requirements for the engagement of the principal underwriter by an issuer seeking approval for initial listing in connection with a transaction involving an underwriter; and (2) amendments to Rule 2 and a new Rule 310 establishing a category of market participant granted access to the Exchange for the limited purpose of performing underwriting activity as a principal underwriter and imposing related requirements for principal underwriting activity. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below.

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes a new Section 108.00 ("Principal Underwriter") of the NYSE Listed Company Manual (the "Manual"), requiring that any issuer applying to list in connection with a transaction involving an underwriter must have a principal underwriter that is a member organization as defined in Rule 2 of the rules of the Exchange or a Limited Underwriting Member, as defined in proposed Rule 2(k) of the rules of the Exchange. The Exchange also proposes amendments to Rule 2 ("Member," "Membership," "Member Firm," etc.) and a new Rule 310 titled "Limited Underwriting Members and Associated Persons" establishing a category of market participant that is a member of the Financial Industry Regulatory Authority ("FINRA") and that would qualify as a "Limited Underwriting Member" for purposes of proposed Section 108.00 of the Manual. Proposed Section 108.00 is based on Rule 5210 and proposed Rule 310 is based on General 3, Rule 1031 of the rules of The Nasdaq Stock Market LLC ("Nasdaq").

Background and Proposed Rule Change

Nasdaq recently created a new, non-trading limited underwriter membership class and imposed related requirements for principal underwriting activity.⁴ The impetus for the rule change came from the critical role underwriters play as gatekeepers to the capital markets in connection with the trading of newly issued securities.⁵ Generally, exchanges

⁴ See Securities Exchange Act Release No. 99846 (March 22, 2024), 89 FR 21629 (March 28, 2024) (SR-NASDAQ-2023-022) (Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 2 and 3, To Create a New, Non-Trading Limited Underwriter Membership Class and Impose Related Requirements for Principal Underwriting Activity) ("Release No. 99846").

⁵ See *id.*, 89 FR at 21629-30. In 2022, the Exchange published a regulatory notice highlighting the important role of underwriters as gatekeepers in the IPO process and the applicability of market rules and the federal securities laws. See NYSE RM-22-18, November 17, 2022, available at [https://www.nyse.com/publicdocs/nyse/markets/nyse/rule-interpretations/2022/NYSE_Reg_Memo_-_Regulatory_Scrutiny_in_Connection_with_IPOs_\(2022.11.17_final\).pdf](https://www.nyse.com/publicdocs/nyse/markets/nyse/rule-interpretations/2022/NYSE_Reg_Memo_-_Regulatory_Scrutiny_in_Connection_with_IPOs_(2022.11.17_final).pdf). FINRA and Nasdaq published similar bulletins around the same time. See <https://www.finra.org/rules-guidance/notices/>

rely on underwriters to select the selling syndicate and ensure that the shares are placed in a way that is reasonably designed to allow liquid trading, consistent with exchange listing requirements and the successful introduction of the company to the market place.⁶ There is currently no requirement that underwriters of companies going public on the Exchange be NYSE member organizations and, unless the underwriter is also an Exchange member organization, the Exchange currently does not have authority to require responses to investigative inquiries or to enforce its rules directly against non-member underwriters.

The Exchange similarly proposes to establish a category of market participant known as “Limited Underwriting Member” that would be granted access to the Exchange for the limited purpose of acting as a principal underwriter⁷ (an “Initial Listing Principal Underwriter”) of an underwritten public offering in connection with which a company seeks to list on the Exchange. As with the Nasdaq rule, access to the Exchange for this limited purpose would not confer trading privileges on Limited Underwriting Members. As a result, this category of market participant would not constitute a traditional Exchange membership under Rule 2(b)(i), insofar as only a registered broker or dealer qualified and approved as a “member organization” pursuant to Rule 311 (Formation and Approval of Member Organizations) can acquire and hold an Exchange-issued trading license under Rule 300 (Trading Licenses).

Rather, Limited Underwriting Members would fall within Rule 2(b)(ii), which provides that a member organization also includes any registered broker or dealer which does not own a trading license and agrees to be regulated by the Exchange as a member organization and which the Exchange has agreed to regulate.⁸ For

the avoidance of doubt, the Exchange proposes to amend Rule 2(b)(ii) to make explicit that member organization as defined therein would include a Limited Underwriting Member.⁹

To effectuate these changes, the Exchange would amend Rule 2 as follows. First, the Exchange would add the clause “, including Limited Underwriting Members as defined herein” at the end of Rule 2(b)(ii). As amended, Rule 2(b)(ii) would provide (additions italicized):

The term “member organization” also includes any registered broker or dealer which does not own a trading license and agrees to be regulated by the Exchange as a member organization and which the Exchange has agreed to regulate, *including Limited Underwriting Members as defined herein*.

Second, the Exchange would add a new subsection (k) that would provide that the term “Limited Underwriting Member” means a registered broker or dealer that is subject to the jurisdiction of the Exchange solely for purposes of Rule 310 and the rules enumerated in Rule 310(c)(1). The proposed definition is substantially similar to General 1, Nasdaq Rule 1(b)(20) defining a “Limited Underwriting Member” as a broker or dealer admitted to limited underwriting membership in Nasdaq.

securities exchange under the Act based on their agreement to be regulated by the Exchange in connection with underwriting activity. *See* 15 U.S.C. 78c(a)(3)(A)(iv) (“The term ‘member’ when used with respect to a national securities exchange means . . . any other registered broker or dealer which agrees to be regulated by such exchange and with respect to which the exchange undertakes to enforce compliance with the provisions of this chapter, the rules and regulations thereunder, and its own rules.”). *See* the discussion of Rule 310, Supplementary Material .01, *infra*. Rule 2(a), however, provides that “member,” when used to denote a natural person, means a natural person associated with a member organization who has been approved by the Exchange and designated by such member organization to effect transactions on the trading floor of the Exchange (the “Floor”) or any facility thereof.

⁹ The Fourteenth Amended and Restated Operating Agreement of the New York Stock Exchange LLC (“Operating Agreement”) would include Limited Underwriting Members as Member Organizations. *See* Operating Agreement Article II, Section 2.02 (Rules; Supervision of Member Organizations) (defining “Member Organizations” as “members, and member organizations of the [Exchange]”). Limited Underwriting Members would therefore have the right to nominate, and vote for, petition candidates for election as Non-Affiliated Directors under the Operating Agreement, as do all other current Member Organizations. *See* Operating Agreement, Article II, Section 2.03(a) (Board). Given that the existing Operating Agreement provisions apply equally to Limited Underwriting Members, the proposal provides for the fair representation of members in the selection of directors and the administration of the Exchange consistent with the requirements of section 6(b)(3) of the Act. *See* 15 U.S.C. 78f(b)(6).

The Exchange does not propose to adopt language similar to General 3, Nasdaq Rule 1031(c)(1), which provides that for purposes of interpreting and applying its rules relating to Limited Underwriting Members, references to “Member,” “Members,” or “membership” shall be functionally equivalent to “Limited Underwriting Member,” “Limited Underwriting Members,” or “limited underwriting membership” respectively. The Exchange believes that the proposed amendments to Rule 2(b)(ii) render it unnecessary for the Exchange to adopt the language from the Nasdaq rule.

The Exchange would also add a new Rule 310 titled “Limited Underwriting Members and Associated Persons” governing eligibility, access and rules applicable to proposed Limited Underwriting Members. As proposed, any registered broker or dealer with a disciplinary history satisfactory to the Exchange would be eligible for approval by the Exchange to operate as a Limited Underwriting Member, except such registered brokers or dealers as are excluded under Rule 346 (Statutory Disqualification—Association of Member Organizations, and Persons Associated With Member Organizations).¹⁰ The proposed language is substantially the same as General 3, Nasdaq Rule 1031(a)(1) and (c)(2) except for the explicit requirement that proposed Limited Underwriting Members have a disciplinary history acceptable to the Exchange.¹¹ Additionally, the associated persons of Limited Underwriting Members that will be responsible for activity of the Limited Underwriting Member as an Initial Listing Principal Underwriter for purposes of Section 310(b) must be identified on the application. Like the Nasdaq rule, any person shall be eligible

¹⁰ *See* proposed Rule 310(a)(i) (Eligibility to Become Limited Underwriting Members and Associated Persons).

¹¹ In order to make a determination of the firm’s eligibility for purposes of proposed Rule 310(a), as part of the application process to become a Limited Underwriting Member, the Exchange would determine whether the Limited Underwriting Member was a FINRA member in good standing and examine the prospective applicant’s relevant regulatory history, which would include an assessment of any open or ongoing disciplinary or other regulatory matters by FINRA, the Commission or any other regulator. Associated persons of Limited Underwriting Members that would be responsible for the Limited Underwriting Member’s activity on the Exchange as an Initial Listing Principal Underwriter for purposes of Section 310(b) would be similarly identified and vetted as part of the application process. Pursuant to proposed Rule 310(c)(2) discussed below, Limited Underwriting Members must at all times be FINRA members and associated persons of Limited Underwriting Members must at all times be properly qualified and registered under FINRA rules.

22-25; <https://www.nasdaqtrader.com/MicroNews.aspx?id=ERA2022-9>.

⁶ *See* Release No. 99846, 89 FR at 21630.

⁷ “Principal underwriter” will have the same definition used in Rule 405 promulgated under the Securities Act of 1933 (“Securities Act”), *i.e.*, an underwriter in privity of contract with the issuer of the securities as to which he is underwriter. The term “issuer” in the definition of “principal underwriter” has the meaning given in Sections 2(4) and 2(11) of the Securities Act. *See* 17 CFR 230.405.

⁸ Because the proposed rules would establish the authority for the Exchange to require responses to investigative inquiries and take appropriate enforcement action when a Limited Underwriting Member violates one of the rules enumerated in proposed Rule 310(c)(1), Limited Underwriting Members would be “members” of a national

to become an Associated Person of a Limited Underwriting Member, except such persons as are excluded under Rule 346.¹² Once again, the proposed language is substantially the same as General 3, Nasdaq Rule 1031(a)(2) and (c)(2).

Pursuant to proposed Rule 310(b) (Access to the Exchange), approval by the Exchange to operate as a Limited Underwriting Member provides no rights to transact on the Exchange. As proposed, approval by the Exchange of a firm to operate as a Limited Underwriting Member would solely permit such firm to act as a principal underwriter (an "Initial Listing Principal Underwriter") of an underwritten public offering in connection with which a company seeks to list on the Exchange. A firm that is not an Exchange member organization cannot act as an Initial Listing Principal Underwriter unless such firm is a Limited Underwriting Member. These requirements are similar to Nasdaq Rule General 3, Nasdaq Rule 1031(b), except, as noted, proposed Limited Underwriting Members would not be Exchange member organizations.

The Exchange proposes to apply a limited ruleset to Limited Underwriting Members and their associated persons aimed at maintaining the fairness and integrity of the underwriting process on the Exchange. Like Nasdaq, the Exchange proposes to apply: (1) conduct rules relevant to underwriting activity; (2) supervision rules; (3) applicable fee-related rules; and (4) disciplinary rules. Finally, although Nasdaq applied certain administrative, business continuity, and registration-related rules (for example, certain rules set forth in Nasdaq General 2 and 4), the Exchange does not propose applying analogous Exchange rules (where such rules exist), because Limited Underwriting Members already would be subject to similar requirements under FINRA rules.

Specifically, the Exchange proposes to provide in proposed Rule 310(c)(1) (Rules Applicable to Limited Underwriting Members) that Limited Underwriting Members and their associated persons would be subject only to the following rules: Rule 0 (Regulation of the Exchange and its Member Organizations); Rule 2B.1 (Affiliation between Exchange and a Member Organization); Rule 308 (Acceptability Proceedings); Rule 309 (Collection of and Failure to Pay Exchange Fees); Rule 345.14 (Payment of fees); Rule 346 (Statutory Disqualification—Association of Member Organizations, and Persons

Associated With Member Organizations); Rule 2010 (Standards of Commercial Honor and Principles of Trade); Rule 2020 (Use of Manipulative, Deceptive or Other Fraudulent Devices); Rule 2050 (Other Offenses); Rule 6140 (Other Trading Practices) (to be grouped together in proposed Rule 310(c) as "Conduct Rules"); Rule 3110 (Supervision); Rule 3120 (Supervisory Control Systems); Rule 3220 (Influencing or Rewarding Employees of Others); Rule 5190 (Notification Requirements for Offering Participants); Rules 8000–8330 (Disciplinary Rules (Investigations and Sanctions)), with the exception of Rule 8211 (Automated Submission of Trading Data Requested by the Exchange) and Rule 9557 (Procedures for Regulating Activities Under Rules 4110, 4120 and 4130 Regarding a Member Organization Experiencing Financial or Operational Difficulties); and Rules 9000–9870 (Disciplinary Rules (Procedural)).

The Exchange proposes to apply Rule 0 (Regulation of the Exchange and its Member Organizations) in order to apply requirements related to the Exchange's Regulatory Services Agreement with FINRA set forth in subsection (a) as well as the requirements in subsection (b) that Exchange Rules apply to all member organizations and persons associated with member organizations, and that persons associated with a member organization have the same duties and obligations as a member organization under Exchange Rules.

The Exchange proposes to apply Rule 2B.1 (Affiliation between Exchange and a Member Organization) in order to apply the limitations on affiliation between the Exchange and a Limited Underwriting Member.

The Exchange proposes to apply Rule 308 (Acceptability Proceedings) to proposed Limited Underwriting Members in order to permit challenges to Exchange disapprovals of Limited Underwriting Member applications.¹³

The Exchange proposes to apply Rule 309 to facilitate the Exchange's ability to collect fees for Limited Underwriting Members.¹⁴ Relatedly, the Exchange proposes to apply Supplementary Material .14 of Rule 345, which provides that members and member

organizations shall pay registration, maintenance, filing, and other related fees as prescribed by the Exchange.

In addition, the Exchange would apply Rule 346 (Statutory Disqualification—Association of Member Organizations, and Persons Associated With Member Organizations) to Limited Underwriting Members and their associated persons. As noted above, under proposed Rule 310(a)(i) registered brokers or dealers subject to Rule 346 would be ineligible to become a Limited Underwriting Member. Under proposed Rule 310(a)(ii), persons subject to Rule 346 would similarly be ineligible to be associated with a Limited Underwriting Member. Applying Rule 346 to Limited Underwriting Members and their associated persons would cover statutory disqualifications that could arise after a broker or dealer becomes a Limited Underwriting Member.

The Exchange also proposes to apply certain conduct rules¹⁵ to Limited

¹⁵ The Exchange's Conduct Rules encompass Rules 2010–7470. The Exchange does not propose to apply the following Rules unrelated to underwriting activity to Limited Underwriting Members: Rule 2040 (Payments to Unregistered Persons); Rule 2070 (Transactions Involving Exchange Employees); Rule 2090 (Know Your Customer); Rule 2111 (Suitability); Rule 2150 (Improper Use of Customers' Securities or Funds); Prohibition Against Guarantees and Sharing in Accounts); Rule 2210 (Communications with the Public); Rule 2212 (Use of Investment Companies Rankings in Retail Communications); Rule 2232 (Customer Confirmations); Rule 2262 (Disclosure of Control Relationship with Issuer); Rule 2266 (SIPC Information); Rule 2269 (Disclosure of Participation or Interest in Primary or Secondary Distribution); Rule 3130 (Annual Certification of Compliance and Supervisory Processes); Rule 3150 (Holding of Customer Mail); Rule 3170 (Tape Recording of Registered Persons by Certain Firms); Rule 3220 (Influencing or Rewarding Employees of Others); Rule 3230 (Telemarketing); Rule 3240 (Borrowing From or Lending to Customers); Rule 3250 (Designation of Accounts); Rule 3270 (Outside Business Activities of Registered Persons); Rule 3310 (Anti-Money Laundering Compliance Program); Rule 4110 (Capital Compliance); Rule 4120 (Regulatory Notification and Business Curtailment); Rule 4130 (Regulation of Activities of Section 15C Member Organizations Experiencing Financial and/or Operational Difficulties); Rule 4140 (Audit); Rule 4150 (Guarantees by, or Flow Through Benefits for, Member Organizations); Rule 4311 (Carrying Agreements); Rule 4360 (Fidelity Bonds); Rule 4370 (Business Continuity Plans and Emergency Contact Information); Rule 4521 (Notifications, Questionnaires and Reports); Rule 4522 (Periodic Security Counts, Verifications and Comparisons); Rule 4523 (Assignment of Responsibility for General Ledger Accounts and Identification of Suspense Accounts); Rule 4530 (Reporting Requirements); Rule 4560 (Short-Interest Reporting); Rule 5190 (Notification Requirements for Offering Participants); Rule 5210 (Publication of Transactions and Quotations); Rule 5220 (Disruptive Quoting and Trading Activity Prohibited); Rule 5290 (Order Entry and Execution Practices); Rule 5320 (Prohibition Against Trading Ahead of Customer Orders); Rule 6140 (Other Trading Practices); Rule 6800 (Consolidated Audit

Continued

¹² See proposed Rule 310(a)(ii).

¹³ See note 9, *supra*.

¹⁴ The Exchange proposes to establish fees for Limited Underwriting Members in a separate rule filing once proposed Rule 310 is operative. Proposed Limited Underwriting Members would be subject to the same requirements of Rule 309(b) for failure to pay a fee or any other sum due to the Exchange within forty-five days after the same becomes payable, including suspension or denial of access to some or all of the facilities of the Exchange.

Underwriting Members and their associated persons which set forth the general standards by which members, member organizations and covered persons¹⁶ must abide. Specifically, Rule 2010 requires members and member organizations to observe high standards of commercial honor and just and equitable principles of trade in the conduct of their business. Similarly, Rule 2020 prohibits members and member organizations from effecting any transaction in, or inducing the purchase or sale of, any security by means of any manipulative, deceptive or other fraudulent device or contrivance. Further, Rule 2050 provides that a member organization or covered person violates the provisions of the Rule if it commits any of the 10 enumerated offenses which include, among other things, making a material misstatement to the Exchange, failing to observe high standards of commercial honor and just and equitable principles of trade, and committing acts detrimental to the interest or welfare of the Exchange.¹⁷

Trail Compliance Rule); and Rule 6900 (Consolidated Audit Trail—Fee Dispute Resolution).

¹⁶ NYSE Rule 9120(g) defines “covered person” to mean a “member, principal executive, approved person, registered or non-registered employee of a member organization, or other person (excluding a member organization) subject to the jurisdiction of the Exchange.” The term was drafted to appropriately capture all persons subject to the legacy disciplinary rules and preserve the Exchange’s scope of jurisdiction at the time the Rule 8000 and Rule 9000 Series were adopted. See Securities Exchange Act Release No. 68678 (January 16, 2013), 78 FR 5213, 5219 (January 24, 2013) (SR–NYSE–2013–02) (Notice of Filing of Proposed Rule Change Adopting Investigation, Disciplinary, Sanction, and Other Procedural Rules That Are Modeled on the Rules of the Financial Industry Regulatory Authority and To Make Certain Conforming and Technical Changes). Under NYSE Rule 2(a), the term “member” means a natural person associated with a member organization who has been approved by the Exchange and designated by such member organization to effect transactions on the floor of the Exchange or any facility thereof. See *id.*

¹⁷ See Rule 2050 (4), (6) & (7), respectively. Member organizations or covered persons also violate Rule 2050 if they violate any provision of the Securities Exchange Act of 1934 or any rule or regulation thereunder (*id.* at (1)); any of its agreements with the Exchange (*id.* at (2)); any provision of any Rule adopted by the Exchange’s Board of Directors (*id.* at (3)); effects any transaction in, or induces the purchase or sale of, any security by means of any manipulative, deceptive or other fraudulent device or contrivance (*id.* at (5)); makes any purchases or sales or offers of purchase or sale of securities for the purpose of upsetting the equilibrium of the market or bringing about a condition in which prices will not fairly reflect market values, or assisting in making any such purchases or sales with knowledge of such purpose, or being, with such knowledge, a party to or assisting in carrying out any plan or scheme for the making of such purchases or sales or offers of purchase or sale (*id.* at (8)); makes a misstatement or omission of fact on its application for membership or approval, or on any financial

Finally, Rule 6140 prohibits manipulation of NMS securities (a “designated security”) involving wash sales, excessive trading or manipulative operations involving a pool, syndicate or joint account as well as the making or circulation and dissemination of any statement or information concerning a designated security that the member or member organization knows or has reasonable grounds for believing is false or misleading or would improperly influence the market price of such security. The Rule further prohibits the holding of any interest or participation in any joint account for buying or selling a designated security, unless such joint account is promptly reported to the Exchange.

Rule 3110 requires each member organization to establish and maintain a system to supervise the activities of each associated person that is reasonably designed to achieve compliance with applicable securities laws and regulations and with applicable Exchange rules. Rule 3120 requires each member organization to have a system of supervisory control policies and procedures that tests and verifies that member organization’s supervisory procedures are reasonably designed with respect to the activities of the member organization and its associated persons, to achieve compliance with applicable securities laws and regulations, and with applicable Exchange rules. The Exchange believes it is important to apply these provisions on supervision as it would provide the Exchange with authority to assess whether a Limited Underwriting Member has adequate supervisory systems and written supervisory procedures in place.

Rule 3220 prohibits members, member organizations, or persons associated with a member organization from directly or indirectly giving or permitting to be given anything of value, including gratuities, in excess of one hundred dollars per individual per year to any person, principal, proprietor, employee, agent or representative of another person where such payment or

statement, report, or other submission filed with the Exchange (*id.* at (9)); or refuses or fails to comply with a request of the Exchange to submit its books and records (including those books and records with respect to which such member organization or covered person has access and control) to the Exchange, any other self-regulatory organization, any contract market, any registered futures association, or any foreign self-regulatory organization or association with which the Exchange has entered into an agreement or to furnish information to or to appear or testify before the Exchange or such other organization or association, as specified above, or fails to take any of the foregoing actions on the date or within the time period that the Exchange requires (*id.* at (10)).

gratuity is in relation to the business of the employer of the recipient of the payment or gratuity. Under the rule, a gift of any kind is considered a gratuity. The Exchange believes that applying these provisions against a Limited Underwriting Member would mitigate the risks of bribery and undue influence that the rule was intended to address.

Rule 5190 sets forth notice requirements applicable to all member organizations participating in offerings of securities for purposes of monitoring compliance with the provisions of SEC Regulation M. In addition to the requirements under Rule 5190, member organizations also must comply with all applicable rules governing the withdrawal of quotations in accordance with SEC Regulation M. The Exchange believes that applying Rule 5190 to Limited Underwriting Members would be appropriate given the important role Rule 5190 plays in maintaining the quality of and public confidence in the Exchange’s marketplace and the initial public offering (“IPO”) process as well as the prevention of fraudulent and manipulative acts and practices.

Rules 8000–8330 and Rules 9000–9870 contain the Exchange’s disciplinary rules, which would govern the initiation of disciplinary proceedings against proposed Limited Underwriting Members for violations of the rules set forth in proposed Rule 310(c)(1). The Exchange proposes to specifically exclude Rule 8211 and Rule 9557. Rule 8211 relates to members submission of trade data. Rule 9557 relates to procedures for regulating activities under Rules 4110, which relates to member organizations capital compliance, and Rules 4120 and 4130, which relate to carrying or clearing members. Rule 8211 and Rule 9557 are thus not relevant to underwriting activity.

Proposed Rule 310(c)(1) would provide that these rules would apply to all Limited Underwriting Members and their associated persons in the same manner that these rules apply to member organizations and persons associated with a member organization. Persons associated with a Limited Underwriting Member would also have the same duties and obligations under these rules as a Limited Underwriting Member under these rules.

Finally, proposed Rule 310(c)(2) would provide that Limited Underwriting Members must at all times be FINRA members in good standing and that associated persons of Limited Underwriting Members must at all times be properly qualified and registered under FINRA rules.

The proposed list of rules applicable to Limited Underwriting Members is not intended to be comprehensive or foreclose the possibility of modifying the list in the future. The Exchange represents that it will consider whether additional existing rules that are not proposed in the limited ruleset for Limited Underwriting Members or new rules are warranted as the Exchange gains more experience in applying the rules proposed.

Like Nasdaq, the Exchange proposes to apply only those rules it deems appropriate to a firm serving as a principal underwriter, including those rules it deems critical to such firms, in an effort to impose minimal burden on Limited Underwriting Members, while still allowing the Exchange to have regulatory authority over such Members.¹⁸ The Exchange acknowledges that there are additional rules that the Exchange does not propose to apply to proposed Limited Underwriting Members. However, since proposed Limited Underwriting Members do not have trading privileges on the Exchange, the Exchange has sought to avoid applying all those Exchange rules applicable to member organizations that primarily relate to trading activity and thus not relevant to the activities of Limited Underwriting Members or are duplicative of FINRA requirements. Specifically, in addition to the excluded rules described above,¹⁹ the Exchange does not propose to apply the following rules to Limited Underwriting Members at this time because they are unrelated to underwriting activity:

- Rules 1P–13P govern trading on the Pillar trading platform, including the listing of exchange traded products. These rules are not relevant to underwriting activity;

- Rules 1–18²⁰ govern various aspects of Exchange operations that are not relevant to underwriting activity, with the exception of Rule 2B.1, discussed below. The remaining rules are either not applicable to trading on Pillar or concern trading activity (Rules 3, 12, 17 and 18), are definitional jurisdictional rules that do not impose obligations on Limited Underwriting Members (Rules 2, 2A, 5–11), or were rescinded (Rule 15B(T));

- Rules 20–28 are miscellaneous rules that are not relevant to underwriting activity. Specifically, Rule 20 is reserved; Rules 21 and 22 govern Board of Directors disqualification requirements; Rules 23 and 24 concern

time zones and trading hours; Rules 25 addresses Exchange liability for legal costs; Rule 26 was rescinded; Rule 27 concerns Exchange regulatory cooperation agreements; and Rule 28 concerns employee fingerprint requirements;

- Rules 35–38 (Access to and Communications with the Floor) govern requirements and limitations for members and member organizations on the Floor, which are not relevant to the activities of Limited Underwriting Members due to their lack of access to trading on the Exchange;

- Rules 45–299C (Dealing and Settlements) relate to trading and settlement issues on the Exchange, which are similarly not relevant to the non-trading activities of Limited Underwriting Members;

- Rules 300–324 (Admission of Members), with the exception of Rule 308 and 309 governing acceptability proceedings and collection of and failure to pay Exchange fees discussed above. Proposed Rule 310 would govern Limited Underwriting Members while the other rules governing trading licenses (Rule 300) and qualification and Floor access rules applicable to members and member organizations engaged in trading on the Exchange would be inapplicable to Limited Underwriting Members and generally duplicative of relevant FINRA membership requirements;

- Rules 325–465 (Operation of Member Organizations) govern capital requirements and the operation of a member organization and its offices and employees, including continuing education requirements for registered persons (Rule 345A), that are not relevant to the activities of Limited Underwriting Members and generally duplicative of relevant FINRA membership requirements.²¹ Rule 346 governing statutory disqualification and Rule 345.14 regarding payment of fees would apply to Limited Underwriting Members as discussed above;

- Rules 471–474B (Communications with the Public) govern approval and communication of research reports by member organizations. Limited Underwriting Members would be subject to similar rules directly by virtue of their FINRA membership;²²

- Rules 496–501A govern listing and delisting requirements for listed

companies. All of the rules have been removed except Rule 497, which governs additional requirements for listed securities issued by Intercontinental Exchange, Inc., or its affiliates and is not relevant to underwriting activity;

- Rules 600A–639 (Arbitration Rules) relate to disputes, claims or controversies between or among member organizations and/or associated persons. The rules only apply to NYSE arbitration cases pending prior to the effective date of the consolidation of the member firm regulation function of NYSE Regulation, Inc. with the National Association of Securities Dealers, Inc. in 2007, and are thus inapplicable to Limited Underwriting Members;²³

- Rules 1210–1230 (Registration) govern qualification, registration and continuing education requirements applicable to members or member organizations. These rules are based on and are substantially similar to FINRA Rules 1210–1230, and are thus generally duplicative of relevant FINRA membership requirements;²⁴ and

- Rules 1400–1401 (Trading of Debt Securities) set forth trading rules for debt securities on the Exchange, which are not relevant to the activities of Limited Underwriting Members.

Proposed Rule 310 would include two supplementary material.

First, Rule 310, Supplementary Material .01 would provide that, consistent with the definition of “member” in the Securities Exchange Act of 1934, a Limited Underwriting Member agrees to be regulated by the Exchange and is subject to the jurisdiction of the Exchange for purposes of interpreting and applying the above rules to Limited Underwriting Members and their associated persons.

Second, proposed Rule 310, Supplementary Material .02 would provide that, for the purposes of this rule, the term “associated person” shall have the same meaning as the terms “person associated with a member” or “associated person of a member” as defined in Article I (rr) of the FINRA ByLaws.

The Exchange would avoid applying any Exchange rules not specified in proposed Rule 310(c)(1). As previously noted, the Exchange does not propose to apply rules that would apply to member organizations, such as registration, qualification, and continuing education requirements, including requirements

²¹ See e.g., FINRA Rules 1210 (Registration Requirements) and 1240 (Continuing Education). The Exchange has harmonized its continuing education requirements and related registration requirements with FINRA’s rules. See Securities Exchange Act Release No. 95061 (June 7, 2022), 87 FR 35806 (June 13, 2022) (SR–NYSE–2022–23).

²² See e.g., FINRA Rule 2210 (Communications with the Public).

²³ See Securities Exchange Act Release No. 56208 (August 6, 2007), 72 FR 45077, 45077–78 (August 10, 2007) (SR–NYSE–2007–48).

²⁴ See Securities Exchange Act Release No. 84336 (October 2, 2018), 83 FR 50727 (October 9, 2018) (SR–NYSE–2018–44).

¹⁸ See Release No. 99846, 89 FR at 21631.

¹⁹ See note 15, *supra*.

²⁰ There is no Rule 19.

for persons engaged in the securities business of a member, that Nasdaq applies to its Limited Underwriting Members and their associated persons. Further, the Exchange does not propose to apply the Rule 6800 Series to Limited Underwriting Members because those govern consolidated audit trail compliance and would not apply to underwriting activity. The Exchange's arbitration rules, which only apply to NYSE arbitration cases pending prior to 2007, would also be inapplicable to Limited Underwriting Members. The additional Exchange rules that Limited Underwriting Members would not be subject to under the proposal primarily relate to trading activity and are, therefore, not relevant to the activities of Limited Underwriting Members due to their lack of access to trade on the Exchange. While there are additional rules that it could propose to apply to Limited Underwriting Members, the Exchange only proposes a limited ruleset intended primarily to provide the Exchange with the authority to require information directly from the Limited Underwriting Members and enhance its tools for oversight with respect to the role the underwriter plays in connection with a company listing on the Exchange. The Exchange does not intend to create comprehensive rules to regulate underwriting activity.

In addition, the Exchange would impose a new requirement in its Listed Company Manual based on Nasdaq Rule 5210(l)(ii) in a new Section 108.00 requiring each Company applying for initial listing in connection with a transaction involving an underwriter to have a principal underwriter that is a member organization as defined in Rule 2 of the rules of the Exchange or a Limited Underwriting Member, as defined in Rule 2(k) of the rules of the Exchange. In proposed Section 108.00(i), the Exchange would also specify that "principal underwriter" shall have the same definition used in Rule 405 promulgated under the Securities Act of 1933.²⁵ Proposed Section 108.00(i) would be substantially similar to Nasdaq Rule 5210(l)(i).

The rule would cross reference the definition of "Limited Underwriting Member," which would be added to Rule 2(k) and would define Limited Underwriting Member to mean a registered broker or dealer that is subject to the jurisdiction of the Exchange solely for purposes of Rule 310 and the rules enumerated in Rule 310(c)(1).

Finally, the Exchange would establish fees for Limited Underwriting Members pursuant to a separate fee filing. The

Exchange proposes that the instant filing would become operative 30 days following the effective day of the fee filing. The Exchange will announce the implementation date by Trader Update.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,²⁶ in general, and furthers the objectives of Section 6(b)(5) of the Act,²⁷ in that it is 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 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 by strengthening the Exchange's ability to oversee and police its marketplace. In addition, the Exchange believes that the proposed rule change is designed to provide a fair procedure for prohibiting or limiting any person with respect to access to services offered by the Exchange or a member thereof consistent with the objectives of Section 6(b)(7).²⁸

As discussed above, the proposal would create a new category of market participant for registered broker-dealers with a disciplinary history satisfactory to the Exchange that seek to act as a principal underwriter of a transaction in connection with which an issuer seeks to be admitted to listing on the Exchange. Firms approved by the Exchange to operate as Limited Underwriting Members on the Exchange would not have rights to transact on the Exchange. Rather, such firms would submit to limited Exchange jurisdiction for the purpose of acting as an underwriter on the Exchange. The Exchange believes that this is reasonable because proposed Limited Underwriting Members would not be admitted to the Exchange for trading or any other purpose than acting as an Initial Listing Principal Underwriter.

As proposed, the Exchange would apply only those rules specified in proposed Rule 310(c)(1) to Limited Underwriting FINRA Members, which would include fees, business conduct standards, supervision, notification requirements for offering participants as well disciplinary rules. The Exchange believes that subjecting the proposed new category of principal underwriters to Exchange jurisdiction for such

specified rules supports fair and orderly markets, which protects investors and the public interest, consistent with Section 6(b)(5) of the Act.²⁹ In this regard, the proposal would subject Limited Underwriting Members to the Exchange's disciplinary rules, which would provide the Exchange with the authority to require documents and information from such underwriters. In addition, these underwriters would be subject to various conduct rules governing their activities on the Exchange, including the requirements to observe just and equitable principles of trade, establish and maintain a system to supervise the activities of associated persons, and to test and verify that the system is reasonably designed. The Exchange believes that imposing these rules, as well as the other rules included in proposed Rule 310, on principal underwriters will strengthen the Exchange's ability to carry out its oversight responsibilities and deter potential violative conduct, such as fraud or manipulation, thereby protecting investors and the public interest. Further, the Exchange believes that it is appropriate and consistent with the protection of investors and the public interest that the rules specifically excluded from proposed Rule 310 not be imposed on proposed Limited Underwriting Members because those rules are, as discussed above, either inapplicable to the activities a principal underwriter would be permitted to conduct on the Exchange and/or proposed Limited Underwriting Members would be subject to similar rules by virtue of their FINRA membership. As noted above, proposed Limited Underwriting Members must at all times be FINRA members in good standing, and their associated persons must at all times properly qualified and registered under FINRA rules, rendering them at all times subject to FINRA rules, all applicable rules of the Commission and the rules of any other self-regulatory organization of which it is a member.

Finally, the Exchange believes that the proposed rule change is not designed to permit unfair discrimination between customers, issuers, brokers and dealers, consistent with Section 6(b)(5) ³⁰ of the Act. The Exchange's proposal to subject Limited Underwriting Members to a limited set of rules and exclude certain rules applicable to member organizations is not designed to permit unfair discrimination between brokers and dealers because being permitted to act as an underwriter on the Exchange

²⁶ 15 U.S.C. 78f(b).

²⁷ 15 U.S.C. 78f(b)(5).

²⁸ 15 U.S.C. 78f(b)(7).

²⁹ 15 U.S.C. 78f(b)(5).

³⁰ 15 U.S.C. 78f(b)(5).

²⁵ See note 7, *supra*.

under the proposed arrangement does not confer the same benefits as a traditional Exchange membership under Rule 2(b)(i), and, therefore, does not warrant application of the same ruleset. Moreover, all Limited Underwriting Members would be subject to the same specified rules set forth in proposed Rule 310(c)(1). In addition, the proposed changes will apply equally to all similarly situated Limited Underwriting Members, and therefore are not designed to permit unfair discrimination. Similarly, the proposed changes to the Listed Company Manual will apply equally to all similarly situated companies applying for initial listing in connection with a transaction involving an underwriter on the Exchange and therefore, are thus not designed to permit unfair discrimination.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is intended to apply standards and qualifications to permit certain principal underwriters to access to the Exchange for the sole purpose of acting as a principal underwriter of an underwritten public offering in connection with which a company seeks to list on the Exchange and to apply a limited ruleset consistent with the purpose of a limited underwriting membership that does not confer any access to trading on the Exchange and only permits such member to act as a principal underwriter for a company applying to initially list on the Exchange. As noted above, although the Exchange proposes to subject Limited Underwriting Members to a limited set of rules, being permitted to act as an underwriter on the Exchange under the proposed arrangement and for no other purpose does not confer the same benefits as a standard Exchange membership and does not warrant application of the same ruleset. Applying a limited ruleset to proposed Limited Underwriting Members is therefore justified. All Limited Underwriting Members would be subject to the same specified rules. Likewise, the proposed changes to the Listed Company Manual will apply equally to all similarly situated companies applying for initial listing in connection with a transaction involving an underwriter on the Exchange. Moreover, the Exchange does not expect

that its proposal will have an adverse impact on competition among exchanges for members. The Exchange believes the proposed rule changes, taken together, will strengthen the Exchange's ability to carry out its role and responsibilities as a self-regulatory organization and deter potential violative conduct. As such, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act³¹ and Rule 19b-4(f)(6) thereunder.³²

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

³¹ 15 U.S.C. 78s(b)(3)(A).

³² 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSE-2025-14 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-NYSE-2025-14. 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-NYSE-2025-14 and should be submitted on or before May 14, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³³

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-06910 Filed 4-22-25; 8:45 am]

BILLING CODE 8011-01-P

³³ 17 CFR 200.30-3(a)(12).

DEPARTMENT OF STATE**[Public Notice: 12701]****Cultural Property Advisory Committee****ACTION:** Notice of meeting.

SUMMARY: The Department of State announces the location, dates, times, and agenda for the next meeting of the Cultural Property Advisory Committee ("the Committee").

DATES: The Committee will meet from May 20–23, 2025, from 9 a.m. to 5 p.m. (EDT). The public may participate in, or observe, the virtual open session on May 20, 2025, from 2 p.m. to 3 p.m. (EDT). More information below.

ADDRESSES: The Committee will meet at 600 19th Street NW, Washington, DC 20006. The public will participate via videoconference.

FOR FURTHER INFORMATION CONTACT: Andrew Zonderman, Cultural Heritage Center, Bureau of Educational and Cultural Affairs: (202) 718–9481; culprop@state.gov.

SUPPLEMENTARY INFORMATION: The Acting Assistant Secretary for the Bureau of Educational and Cultural Affairs calls a meeting of the Cultural Property Advisory Committee ("the Committee") in accordance with the Convention on Cultural Property Implementation Act (19 U.S.C. 2601–2613) ("the Act"). A portion of this meeting will be closed to the public pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h).

Meeting Agenda: The Committee will review a request from the Government of the Socialist Republic of Vietnam seeking import restrictions on archaeological and ethnological materials, the proposed extension of the agreement with the Government of the Republic of Chile, the proposed extension of the agreement with the Government of the Italian Republic, the proposed extension of the agreement with the Government of the Kingdom of Morocco, and the proposed extension of the agreement with the Government of the Republic of Costa Rica. This meeting will subsume the agenda of the postponed February 2025 Committee meeting (89 FR 106722).

The Open Session: The public can observe the virtual open session on May 20, 2025. Registered participants may provide oral comments for up to a maximum of five (5) minutes each. The Department provides specific instructions on how to observe or provide oral comments at the open session at <https://eca.state.gov/highlight/cultural-property-advisory-committee-meeting-may-20-23-2025>.

Register to speak at the open session by sending an email with your name and organizational affiliation, as well as any requests for reasonable accommodation, by May 13, 2025. Those who submit written comments in advance of the meeting are not required to make an oral comment during the open session.

The Committee will review written comments if received by 11:59 p.m. (EDT) on May 13, 2025. Written comments may be submitted in two ways, depending on whether they contain confidential information:

1. *General Comments:* For general comments, use <https://www.regulations.gov>, enter the docket DOS–2025–0003, and follow the prompts.

2. *Confidential Comments:* For comments that contain privileged or confidential information (within the meaning of 19 U.S.C. 2605(i)(1)), please email submissions to culprop@state.gov. Include "Vietnam," "Chile," "Italy," "Morocco," and/or "Costa Rica" in the subject line.

3. *Disclaimer:* The Cultural Heritage Center website contains additional information about each agenda item, including categories of archaeological and ethnological material that may be included in import restrictions: <https://eca.state.gov/highlight/cultural-property-advisory-committee-meeting-may-20-23-2025>. Comments should relate specifically to the determinations specified in the Act at 19 U.S.C. 2602(a)(1). Written comments submitted via [regulations.gov](https://www.regulations.gov) are not private and are posted at <https://www.regulations.gov>. Because written comments cannot be edited to remove any personally identifying or contact information, we caution against including any such information in an electronic submission without appropriate permission to disclose that information (including trade secrets and commercial or financial information that is privileged or confidential within the meaning of 19 U.S.C. 2605(i)(1)). We request that any party soliciting or aggregating written comments from other persons inform those persons that the Department will not edit their comments to remove any identifying or contact information and that they therefore should not include any such information in their comments that they do not want publicly disclosed.

Andrew L. Zonderman,

Designated Federal Officer, Cultural Property Advisory Committee, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–06901 Filed 4–22–25; 8:45 am]

BILLING CODE 4710–05–P

**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE****Notice of Action and Proposed Action
in Section 301 Investigation of China's
Targeting the Maritime, Logistics, and
Shipbuilding Sectors for Dominance,
Request for Comments**

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice of action and proposed action, request for comments, and notice of public hearing.

SUMMARY: The U.S. Trade Representative has determined that appropriate action in this investigation includes: certain services fees on the maritime transport services of Chinese operators and shipowners; on maritime transport services of operators using Chinese-built vessels to be applicable on a non-discriminatory basis; certain service fees on the maritime transport services of operators of foreign-built vehicle carriers to be applicable on a non-discriminatory basis; and restrictions on certain maritime transport services for U.S. Liquefied Natural Gas (LNG) to be applicable on a non-discriminatory basis. In addition, the U.S. Trade Representative is proposing additional tariffs on certain ship-to-shore cranes on a non-discriminatory basis, and proposing additional tariffs on certain other cargo handling equipment of China. USTR requests written comments regarding the proposed tariff actions set forth in this notice and will convene a public hearing in relation to the proposed tariffs.

DATES: Dates applicable to fees on certain maritime transport services are contained in Annexes I, II, and III.

Dates applicable to restrictions on certain maritime transport are contained in Annex IV.

Dates applicable to Proposed Tariffs:

April 17, 2025: Comment period opens.

May 8, 2025: To be assured of consideration, submit requests to appear at the hearing on proposed tariff actions, along with a summary of the testimony, by this date.

May 19, 2025: To be assured of consideration, submit written comments on the proposed tariff actions by this date. USTR will hold a public hearing on the proposed tariff actions in the main hearing room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, beginning at 10 a.m. If necessary, the hearing may continue on subsequent days.

Seven calendar days after the last day of the public hearing: Submit post-hearing rebuttal comments on the proposed tariff actions.

ADDRESSES: Submit documents in response to the proposed tariff actions in this notice, including written comments, rebuttal comments, and requests to appear through USTR's electronic portal: <https://comments.ustr.gov/s/>. The docket number for written comments and rebuttal comments on the proposed tariff actions is USTR–2025–0008. The docket number for requests to appear at the public hearing on the proposed tariff actions is USTR–2025–0009.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning comments or participating in the public hearing on the proposed tariff actions, contact the USTR Section 301 support line at (202) 395–5725. Direct all other questions regarding this notice to: Megan Grimball and Philip Butler, Chairs of the Section 301 Committee; Thomas Au, Associate General Counsel; or Henry Smith, Anjani Nadadur, or David Salkeld, Assistant General Counsels at (202) 395–5725.

SUPPLEMENTARY INFORMATION:

A. Background

On March 12, 2024, petitioners¹ filed a Section 301 petition regarding the acts, policies, and practices of China to dominate the maritime, logistics, and shipbuilding sectors. The petition was filed pursuant to Section 302(a) of the Trade Act of 1974, as amended (Trade Act) (19 U.S.C. 2412(a)), requesting action pursuant to Section 301(b) of the Trade Act (19 U.S.C. 2411(b)). See 89 FR 29424 (April 22, 2024). For additional information, the full text of the petition and accompanying exhibits are available at: <https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-china-targeting-maritime-logistics-and-shipbuilding-sectors-dominance>.

On April 17, 2024, after consultations with the appropriate advisory committees and the Section 301 Committee, the U.S. Trade Representative initiated an investigation of China's acts, policies, and practices targeting the maritime, logistics, and

shipbuilding sectors for dominance. See 89 FR 29424 (April 22, 2024).² The U.S. Trade Representative also requested consultations with the government of China pursuant to Section 303 of the Trade Act (19 U.S.C. 2413).³

Based on the information obtained during the investigation, on January 16, 2025, USTR released a public report on the investigation. The “Report on China's Targeting of the Maritime, Logistics, and Shipbuilding Sectors for Dominance” (Report) supports the determination that China's targeting of the maritime, logistics, and shipbuilding sectors for dominance is unreasonable and burdens or restricts U.S. commerce and thus is actionable. The Report is available on USTR's website at: <https://ustr.gov/sites/default/files/enforcement/301Investigations/USTRRReportChinaTargetingMaritime.pdf>.

As detailed in the Report, for nearly three decades, China has targeted the maritime, logistics, and shipbuilding sectors for dominance and has employed increasingly aggressive and specific targets in pursuing dominance. China's dominance severely disadvantages U.S. companies, workers, and the U.S. economy generally, through lessened competition and commercial opportunities and through the creation of economic security risks from dependencies and vulnerabilities.

Top-down industrial planning and targeting is a critical feature of China's state-led, non-market economic system. China organizes the development of its economy at a high level through broad, national-level, five-year economic and social development plans. It then employs industry-specific plans that typically align chronologically with the national five-year plans. These plans often contain detailed quantitative and qualitative targets, including for production, domestic content, and domestic and international market shares, and outline the non-market policies and practices China should use to achieve these targets. China's plans reveal its targeting of the maritime, logistics, and shipbuilding sectors for dominance.

Market share targets necessitate substitution by Chinese companies at the expense of foreign competitors—for

Chinese companies to gain market share, they must displace foreign companies in existing markets and take new markets as they develop in the future. China's industrial targets have become more aggressive and sophisticated over the years.

China's targeting of these sectors for dominance has undercut competition and taken market share with dramatic effect: raising China's shipbuilding market share from less than five percent of global tonnage in 1999, to over 50 percent in 2023; increasing China's ownership of the commercial world fleet to over 19 percent as of January 2024; and controlling production of over 70 percent of ship-to-shore cranes, 86 percent of intermodal chassis, 95 percent of shipping containers, and increasing shares of other components and products.⁴

Based on the information obtained during the investigation, as reflected in the Report on the investigation, and taking into account public comments, as well as the advice of the Section 301 Committee and appropriate advisory committees, the U.S. Trade Representative determined that China's targeting of the maritime, logistics, and shipbuilding sectors for dominance is unreasonable and burdens or restricts U.S. commerce, and thus is actionable under Sections 301(b) and 304(a) of the Trade Act (19 U.S.C. 2411(b) and 2414(a)). See 90 FR 8089 (January 23, 2025).

In particular, the U.S. Trade Representative determined that China's targeting of the maritime, logistics, and shipbuilding sectors for dominance is unreasonable because it displaces foreign firms, deprives market-oriented businesses and their workers of commercial opportunities, and lessens competition, and creates dependencies on China, increasing risk and reducing supply chain resilience. China's targeting for dominance also is unreasonable because of China's extraordinary control over its economic actors and these sectors.

Furthermore, the U.S. Trade Representative determined that China's targeting of the maritime, logistics, and shipbuilding sectors for dominance burdens or restricts U.S. commerce by undercutting business opportunities for and investments in the U.S. maritime, logistics, and shipbuilding sectors; restricting competition and choice; creating economic security risks from dependence and vulnerabilities in sectors critical to the functioning of the

¹ The five labor union petitioners are: the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO CLC (USW), the International Brotherhood of Electrical Workers (IBEW), the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, AFL–CIO/CLC (IBB), the International Association of Machinists and Aerospace Workers (IAM), and the Maritime Trades Department of the AFL–CIO (MTD).

² The notice of initiation solicited written comments. The public submissions are available at: <https://comments.ustr.gov/s/>, docket number USTR–2024–0005. USTR and the Section 301 Committee convened a public hearing on May 29, 2024, during which witnesses provided testimony. A transcript of the hearing is available on the USTR website at: <https://ustr.gov/sites/default/files/Hearing%2005292024.pdf>.

³ The government of China declined to hold consultations regarding the investigation under this statutory framework.

⁴ See, e.g., USTR's report on China's Targeting of the Maritime, Logistics, and Shipbuilding Sectors for Dominance at vii, x, 17, 49, 54, 58.

U.S. economy; and undermining supply chain resilience.

On February 21, 2025, the U.S. Trade Representative proposed that action was appropriate and to take responsive action in the form of service fees against certain maritime transport services of China. USTR also proposed that certain maritime transport service fees and restrictions would be applicable on a nondiscriminatory basis. *See* 90 FR 10843 (February 27 notice). USTR proposed certain service fees on: (1) Chinese maritime transport operators, (2) maritime transport operators with fleets comprised of Chinese-built vessels, and (3) maritime transport operators with prospective orders for Chinese vessels. USTR also proposed to refund fees paid by maritime transport operators per entry of a U.S.-built vessel through which the operator is providing international maritime transport services. USTR proposed certain restrictions on international maritime transport of U.S. goods, and sought public comment on other actions to reduce the exposure and risks from China's promotion of LOGINK and similar platforms.

USTR requested public comments with respect to: the level of the burden or restriction on U.S. commerce arising from China's targeting of the maritime, logistics, and shipbuilding sectors for dominance; the appropriate trade to be covered by responsive actions, including the type and level; and whether the proposed fees or restrictions on services are appropriate, including the type of services to be subject to fees or restrictions, the level of fees or restrictions, the structure of any fees, restrictions, or reimbursement of fees on services. In commenting on proposed actions, USTR requested commenters specifically address whether a proposed action would be practicable or effective to obtain the elimination of China's acts, policies, and practices.

USTR established an electronic portal to receive public comment on the proposals and held a two-day public hearing on March 24 and 26, 2025. *See* February 27 notice. USTR received nearly 600 comments in the response to the notice, and nearly 60 individuals participated in the public hearings.

On April 9, 2025, the President issued Executive Order 14269, "Restoring America's Maritime Dominance." With respect to the actions to be taken in this investigation, if any, Section 5 of the Executive Order directs the U.S. Trade Representative to: (i) coordinate with appropriate agencies to collect additional information, as appropriate and to the extent permitted by law, in

support of administering such actions; and (ii) coordinate with the Attorney General and Secretary of Homeland Security to take appropriate steps to enforce any restriction, fee, penalty, or duty imposed pursuant to such actions. Additionally, as part of the actions in this investigation, Executive Order 14269 directs the U.S. Trade Representative to consider proposing: (i) tariffs on ship-to-shore (STS) cranes manufactured, assembled, or made using components of PRC origin, or manufactured anywhere in the world by a company owned, controlled, or substantially influenced by a PRC national; and (ii) tariffs on other cargo handling equipment.

Executive Order 14269 also describes additional policies to broadly address China's targeting of the maritime, logistics, and shipbuilding sectors for dominance, including the creation of a Maritime Action Plan (Section 3); the engagement of allies and partners to align trade policies, including with respect to this investigation (Section 7); efforts to reduce dependence on adversaries by recommending incentives for shipbuilders in allied nations to undertake capital investment in the United States (Section 8); and the development of a legislative proposal for a maritime security trust fund that considers using revenue, including from this action, to establish a reliable, dedicated funding source for programs under the Maritime Action Plan (Section 9).

Executive Order 14269 is available at the following address: <https://www.federalregister.gov/documents/2025/04/15/2025-06465/restoring-america-maritime-dominance>.

B. Determination of Action

On January 16, 2025, USTR issued a notice which announced the U.S. Trade Representative's determination that China's acts, policies, and practices under investigation are unreasonable or discriminatory and burden or restrict U.S. commerce, and are thus actionable under section 301(b) of the Trade Act. Section 301(b) of the Trade Act provides that upon determining that the acts, policies, and practices under investigation are actionable and that action is appropriate, the U.S. Trade Representative shall take all appropriate and feasible action authorized under Section 301(c) of the Trade Act, subject to the specific direction, if any, of the President regarding such action, and all other appropriate and feasible action within the power of the President that the President may direct the U.S. Trade Representative to take under section 301(b) of the Trade Act, to obtain the

elimination of those acts, policies, or practices.

Section 301(c)(1)(B) of the Trade Act authorizes, the U.S. Trade Representative to "impose duties or other import restrictions on the goods of [the foreign country subject to the investigation] and, notwithstanding any other provision of law, fees or restrictions on the services of, [the foreign country subject to the investigation]." Sections 301(c)(3)(A) and (B) of the Trade Act provide further authority for the U.S. Trade Representative to take any of the actions he is authorized to take under section 301(b) against any good or economic sector, on a non-discriminatory basis or solely against the foreign country concerned, and without regard to whether such goods or economic sector were involved in the act, policy, or practice under investigation.

USTR and the Section 301 Committee have carefully reviewed the public comments and the testimony from the two-day public hearing regarding the proposed actions. USTR has also considered the advice of advisory committees and consulted with the agencies which regulate the services involved. Considering the comments and advice, and pursuant to sections 301(b), 301(c), and 304(a) of the Trade Act (19 U.S.C. 2411(b), 2411(c), and 2414(a)), the U.S. Trade Representative has determined that action is appropriate, and that appropriate and feasible action in this investigation includes the actions as provided for in Annexes I, II, III, and IV to this notice. The actions are summarized below for convenience purposes.⁵ The following actions are not cumulative. That is, either a vessel is subject to the fees set forth in Annexes I, II, or III, or, a vessel is subject to the requirement of Annex IV. If any fee is applied, only one fee will be applied under the terms of the respective Annex.

Fees on Maritime Transport Services

- *Phased fee on Chinese vessel operators and vessel owners.* This fee, based on the net tonnage of the vessel, is assessed against any vessel with a Chinese operator or owned by an entity of China, as set out in Annex I. If a vessel makes multiple U.S. entries before transiting to a foreign destination, this fee is assessed per rotation or string of U.S. port calls. The fee will be set at \$0 for the first 180 days, will then be set at \$50/NT, and will increase incrementally over the next three years.

⁵ In the event of any conflict between the summary text and Annex I, II, III, or IV, the text of the respective Annex controls.

- *Phased fee on Chinese-built vessels.* This fee is based on the higher of (i) a fee based on the net tonnage of the vessel, or (ii) a fee based on per container. If a vessel makes multiple U.S. entries before transiting to a foreign destination, this fee is assessed per rotation or string of U.S. port calls. The fee will be set at \$0 for the first 180 days and increases incrementally over the next three years, as described in Annex II. Certain Chinese-built vessels are not subject to the fee, including: certain vessels enrolled in certain U.S. Maritime Administration programs (*e.g.*, the Maritime Security Program and Tanker Security Program); vessels arriving empty or in ballast; vessels below certain size or capacity thresholds; vessels engaged in short sea shipping (*i.e.*, voyages of less than 2,000 nautical miles from certain U.S. ports); certain U.S.-owned companies' vessels; and certain specialized export vessels. A vessel operator is eligible for a fee remission for up to three years if it orders and takes delivery of a U.S.-built vessel of equivalent size.

- *Phased fee on vessel operators of foreign vehicle carriers.* This fee is assessed on any foreign-built vehicle carrier based on its Car Equivalent Unit (CEU) capacity, as set out in Annex III. The fee will be set at \$0 for 180 days, and will then be set at \$150 per CEU capacity of the entering non-U.S. built vessel. An operator could receive a fee remission for up to three years if it orders and takes delivery of a U.S.-built vessel of equivalent or greater capacity within that time period. A vessel operator will be eligible for a fee remission for three years if it orders and takes delivery of a U.S.-built vessel of at least equivalent size.

Restrictions on Services To Promote the Transport of U.S. Goods on U.S. Vessels

- *Restrictions on certain maritime transport.* After three years, USTR would impose a restriction to require the use of U.S. vessels for the maritime transport of a certain percentage of LNG exports, as set out in Annex IV. An operator or its non-compliant LNG vessel may be licensed to operate for up to three years as if the requirement is met, if that operator orders and takes delivery of a U.S.-built LNG vessel of equivalent or greater capacity within that time period. USTR will consult with the U.S. Department of Energy and other agencies, as appropriate, to provide notice and further technical information regarding this restriction.

Actions Directed by the President in Executive Order 14269, "Restoring America's Maritime Dominance"

Consistent with the President's direction in Executive Order 14269, "Restoring America's Maritime Dominance," the U.S. Trade Representative is proposing additional duties on STS cranes, in a manner consistent with the description in the Executive Order, and on containers and certain chassis of China, consistent with the Executive Order 14269's direction regarding other cargo handling equipment of China, to include headings and subheadings 8609.00.00, 8716.39.0090, 8716.90.30, and 8716.90.50.

C. Responses to Significant Comments Regarding the Proposed Actions

Below USTR responds to comments that raise significant issues. USTR prepared the responses below in light of the ongoing litigation regarding the applicability of the Administrative Procedure Act (APA) to certain Section 301 actions, which the United States disputes on appeal. *See In Re Section 301 Cases*, No. 21-cv-00052-3JP, at *57, *71 (Ct. Int'l Trade Apr. 1, 2022); Brief of Defendants-Appellees at 47, *HMTX Indus., LLC et al. v. United States*, No. 23-1891 [ECF No. 42] (Fed. Cir. Dec. 21, 2023). In preparing the responses below, USTR does not concede the applicability of the APA to Section 301 actions, nor should USTR's responses in this notice be relied upon as evidence of agency practice for purposes of the APA.

Service Fee on Maritime Transport Operators

The U.S. Trade Representative proposed a service fee on Chinese maritime transport operators at a flat rate of up to \$1,000,000 per entrance of any vessel of that operator to a U.S. port, or at a rate of up to \$1,000 per net ton of the vessel's capacity per entrance of any vessel of that operator to a U.S. port.

USTR received several comments in response to the proposals. Many of the comments agreed with the U.S. Trade Representative's determination that some form of responsive action was required in light of measures taken by China to dominate the maritime, shipbuilding and logistics sector. The comments generally urged revisions to the proposed fee schedule in order to lessen disproportionate economic impact, and also urged delays in the imposition of fees. For example, several comments noted that the proposed fee schedule (particularly as it relates to the amount of the fee, a flat-rate versus

tonnage fee, and a fee assessed per rotation or string of U.S. port calls), would disproportionately impact certain U.S. commodity exports, especially those using bulk carriers for international transport, short-sea shipping routes, and imports to certain U.S. territories. These comments asserted that any fee assessed per single port of call would disproportionately impact smaller ports, and thus negatively impact local maritime jobs, as vessel operators may seek to mitigate fee impact by visiting fewer ports or visiting only major U.S. ports. Some comments sought clarity on how a "Chinese operator" and "Chinese-built vessel" would be defined for purposes of the final action.

USTR also received a number of comments asserting that the proposed fee would exert more leverage on China, and thus be more effective at obtaining the elimination of China's practices, if fees were directed at vessel owners, rather than operators. These comments assessed that vessel operators would be more likely to pass along any fee to importers and that, as result, a fee directed at operators would likely be ineffective in changing operator behavior in procuring Chinese vessels for international transport.

Considering the public comments, the U.S. Trade Representative has made certain adjustments to the proposed fee on maritime transport to include any vessel operated by Chinese crew, or any vessel owned by an entity of China, as set forth in Annex I. In response to public comments regarding the amount of the fee, the U.S. Trade Representative has determined to assess the fee on a net tonnage basis, with the initial fee set at \$0 for the first 180 days from the date of determination (that is, until October 14, 2025). This fee will then increase to a rate of \$50 per NT and will increase on an annual basis for three years. In consideration of potential impacts to small ports if a fee were to be assessed at each port of call, the U.S. Trade Representative has determined to assess the fee upon entry at the first U.S. port or place from a foreign destination per rotation or string of U.S. port calls. The fee will be assessed at the first U.S. port within the customs territory of the United States. The U.S. Trade Representative has determined that any such fee would be charged per rotation or string of U.S. port calls, and no more than five times a year on an individual vessel.

In response to comments regarding the effectiveness of a fee on Chinese operators, the U.S. Trade Representative has determined to assess the fee on any Chinese vessel operator and on any

vessel owned by a Chinese entity. Imposing a fee on a vessel owner may more directly influence purchasing decisions and exact more financial pressure on Chinese shipbuilders, thus providing an even more significant source of leverage to encourage China to eliminate the investigated practices. The U.S. Trade Representative has also determined to implement the initial proposal to assess a fee on a Chinese operator to further disincentivize use of Chinese shipping services.

Service Fee on Maritime Transport Operators With Fleets Comprised of Chinese-Built Vessels

The U.S. Trade Representative proposed a flat fee of up to \$1,500,000 per vessel entry of a Chinese-built vessel to a U.S. port. The U.S. Trade Representative also proposed escalating fees per vessel entry to a U.S. port based on the percentage of Chinese-built vessels in the operator's fleet. The U.S. Trade Representative also proposed a flat fee of up to \$1,000,000 per vessel entry to a U.S. port when an operator's fleet is comprised of 25 percent or more Chinese-built vessels.

In response to the proposals, several comments expressed concerns that the proposed fees would result in higher prices and shortages for American importers and consumers. Comments also expressed concerns that the proposals would cause U.S. exports, particularly bulk cargo exports, to be more expensive. Some commenters stated that the proposed fees and attendant increased costs of imports and exports would put them out of business. Commenters argue that the fees should be aimed at Chinese state-owned operators, rather than non-Chinese operators. Some comments noted the lack of capacity of U.S. shipbuilders and questioned whether the proposed fees would do anything to address the cost advantage enjoyed by Chinese shipbuilders. Comments also claimed that the proposed fees would likely result in fewer port calls at smaller ports, leading to a loss of jobs and exports at these smaller ports.

A few comments agreed with the proposals, noting that the proposed fees would address trade imbalances, enhance national security, support investment in the American maritime industrial base, and promote higher environmental and labor standards. One commenter suggested that the proposed fees be captured in a U.S. shipbuilding and mariner compensation trust fund to be expended each year for reviving the U.S. merchant marine. Some comments suggested that care should be taken so as to not allow for circumvention of the

proposed fees by transshipment of cargo through Canada or Mexico. If the proposed fees were to be imposed, some commenters requested a phased-in approach, a per tonnage or per container fee that is capped, a per-voyage rather than per-entry fee, and that fees only apply to future-built vessels and not existing vessels. Some comments requested an exemption for vessels carrying U.S. agriculture, coal, or other commodity exports; others requested an exemption for "short sea," Great Lakes, or Caribbean shipping; one commenter requested an exemption for Hong Kong-registered vessels and operators. Some comments suggested alternatives to a fee-based system, such as tax credits for ordering U.S.-built ships or other investments in the U.S. shipbuilding industry.

Considering the public comments and the advice of the Section 301 Committee, the U.S. Trade Representative has determined not to impose any fee based on fleet composition at this time. The U.S. Trade Representative has determined instead to impose a fee on maritime transport using any Chinese-built vessels. This fee is applied on a non-discriminatory basis. This fee will be assessed on a per tonnage or per container fee basis, whichever fee is higher.

In response to comments regarding a phase-in or transition period, the fee on Chinese-built vessels will be set at \$0 for the first 180 days from the date of determination (that is, until October 14, 2025), to be increased on an annual basis according to the schedule and provisions set forth in Annex II. In response to comments regarding the potential for disproportionate economic impact on certain U.S. interests or industries, the following vessels as set forth in Annex II will not be subject to the scope of the fee: (1) U.S. vessels enrolled in certain U.S. Maritime Administration programs; (2) vessels arriving empty or in ballast; (3) smaller vessels; (4) vessels engaged in short sea shipping; (5) U.S.-owned companies' vessels; and (6) specialized export vessels. In making this determination, the U.S. Trade Representative balanced the need to impose a service fee to disincentivize the use and purchase of Chinese-built ships, as a counter to China's dominance, with concerns raised in the comments regarding the effect that such a fee would have on shipping costs and the U.S. economy.

The U.S. Trade Representative did not determine to limit the scope of the fees to exclude vessels based on an export commodity basis, in light of the fee in Annex II is not applicable to vessels below certain size thresholds, vessels

arriving empty or in ballast, and short sea shipping. In order to incentivize domestic production, which may help create leverage for the elimination of the investigated acts, policies, and practices or otherwise to mitigate the burden or restriction, the U.S. Trade Representative has determined that, upon order and until delivery of a U.S.-built vessel of equal or greater capacity, the fee may be eligible for suspension on an equivalent size Chinese-built vessel, for a period not to exceed three years. *See also* discussion of comments on service fee remission below.

Service Fee on Maritime Transport Operators With Prospective Orders for Chinese Vessels

The U.S. Trade Representative proposed an additional fee on vessel operators based on the percentage of vessels ordered from Chinese shipyards, either escalating based on percentage of vessel orders in or expected to be delivered by Chinese shipyards over the next 24 months, or a flat fee on vessel operators with 25 percent or more vessels ordered by that operator, or expected to be delivered to that operator, are ordered or expected to be delivered by Chinese shipyards over the next 24 months.

Some commenters expressed support for this proposal. Other commenters made recommendations, including phase-in periods, grandfathering of previously ordered ships, reduced fees or imposition of fees per Twenty-Foot Equivalent Units (TEU) or cargo value, and allowing waivers, among others.

A number of commenters expressed concerns about the potential impact on shipping to and from the United States due to insufficient domestic alternatives, including increases in shipping costs for exporters (including farmers and coal companies) and consumers, as well as concerns about port diversion or consolidation. Alternatives suggested by commenters included sliding scale fees, incentives, credits, grants, or regulatory reform to encourage U.S. shipbuilding investment, taxes on Chinese-flagged ships to be added to a commercial shipbuilding revitalization fund, and a fee on inbound containers.

Considering the public comments and the advice of the Section 301 Committee, the U.S. Trade Representative has determined not to impose a fee based on prospective orders of Chinese vessels at this time. The U.S. Trade Representative currently considers that the initial fees being implemented in this Notice, along with the proposed tariff actions, may provide sufficient leverage to encourage China to

eliminate its acts, policies, and practices, or otherwise mitigate the burden or restriction from China's market dominance.

Service Fee Remission for Maritime Transport via U.S.-Built Vessels

To promote the acquisition and use of U.S.-built ships by operators, the U.S. Trade Representative proposed a service fee remission in the form of a refund on the additional fees charged to an operator providing international maritime transport services in an amount up to \$1,000,000, per entry into a U.S. port of a U.S.-built vessel.

A large number of comments, both supporting and opposing the proposed fee remission, highlighted the lack of capacity of U.S. shipbuilders. Several comments opposing the proposal noted that it would take years for operators to take advantage of the refund or that, given the lack of capacity, the proposed remission would be unlikely to provide much benefit. One comment noted that the proposal failed to address underlying capacity constraints.

To address the lack of capacity of U.S. shipbuilders, comments supporting the proposal provided suggestions to broaden the eligibility of the proposed fee remission to more ships. These included allowing fee remission to ships produced in third countries and to ships that are made available to sealfit command.

A number of comments provided alternatives to the proposed fee remission. One comment suggested that a better approach might be to phase in the assessed fees. A few comments suggested incentives for U.S. ships in the form of grants and tax credits. Other suggested alternatives included certain exemptions to the fees. Suggested exemptions included industries that rely on international supply chains, ships used for exports of agriculture products, and ships used for regional shipping.

Considering the public comments and the advice of the Section 301 Committee, the U.S. Trade Representative has determined to adjust the proposed service fee remission. The U.S. Trade Representative has determined to allow for suspending the fee on an equivalent size Chinese-built vessel, for a period not to exceed three years, upon order and until delivery of a U.S.-built vessel of equal or greater size within that time period. Additionally, as discussed above, considering the comments regarding the proposed service fee remission, the U.S. Trade Representative has determined to adjust the service fees so that they are phased in over time.

To further promote the acquisition of U.S.-built ships, and address capacity constraints, the U.S. Trade Representative has also determined to phase in a service fee on vessel operators of foreign-built vehicle carriers on a non-discriminatory basis. As outlined in Annex III, the fee will be set at zero for the first 180 days, and will apply to vessel operators of all vehicle carriers that are non-U.S. built vessels. This fee may also be eligibility for remission for a particular foreign-built vessel for a period not to exceed three years if the vessel owner orders and takes delivery of a U.S.-built vessel of equivalent or greater car-equivalent unit (CEU) capacity within that time period.

Restrictions on Services To Promote the Transport of U.S. Goods on U.S. Vessels

The U.S. Trade Representative proposed a restriction on maritime services with escalating requirements over a seven-year period for U.S. operators to increase the percentage of U.S. products on U.S.-flagged ships and the percentage of U.S. products on U.S.-flagged, U.S.-built vessels. The U.S. Trade Representative also proposed that U.S. goods may be approved for export on a non-U.S.-built vessel, provided that 20 percent of what the operator transports by vessel is transported on U.S.-flagged, U.S.-built ships.

In response, several comments expressed concern that the proposals would only punish U.S. exporters. Some asserted that the proposals would lead to a decrease in U.S. exports and would ultimately divert ships from U.S. ports. Several comments noted that the timelines for the proposals are too aggressive and not achievable. Most of these comments noted that there is currently insufficient capacity of U.S. ships and one comment noted a lack of U.S. mariners. A number of comments asserted that, rather than provide an incentive for using more U.S. ships, the proposals would lead to operators consolidating shipments, visiting fewer and larger ports, and causing harm to smaller ports. One comment noted that rather than provide an incentive for using U.S. ships, the proposals would force companies to focus on larger ports. Several comments asserted that the proposals would cause particular harm to certain products, including agriculture products, bulk products, and coal.

Some comments agreed with the proposals, noting that an escalating percentage of U.S. products to be exported every year on U.S. flagged ships would help curb the use of Chinese built ships, drive demand for

domestically produced ships, and provide benefits to upstream domestic industries, including steel. A number of comments supported the proposal, but expressed concern regarding the lack of capacity on U.S. ships. One comment asserted that the U.S. would need at least 15 years to build sufficient capacity.

With respect to LNG ships, one comment noted there are no U.S.-built vessels and only one U.S.-flagged LNG vessel. To address the capacity constraints, multiple comments provided suggestions for mitigating the fee, including: a delay in implementation; exemptions for specific products; exemptions for non-Chinese operators with Chinese ships already on order; and an exemption for ships built by U.S. allies. Several comments noted possible harm to regional trade and requested that the proposals be limited to trans-oceanic vessels. Finally, some comments noted that they needed additional information and clarification as to how the proposals would be implemented and enforced.

Considering the public comments and the advice of the Section 301 Committee, the U.S. Trade Representative has determined to limit the scope of the proposed restrictions to U.S. LNG exports, with restrictions on maritime transport of LNG to begin on April 17, 2028, and gradually increasing thereafter for a period in total of 22 years. See Annex IV. The U.S. Trade Representative has further determined that an operator or its non-compliant LNG vessel may be licensed to operate for up to three years as if the requirement is met, if that operator orders and takes delivery of a U.S.-built LNG vessel of equivalent or greater capacity within that time period.

Other Actions: Actions To Reduce Exposure to and Risks From LOGINK or Similar Platforms

The U.S. Trade Representative requested comments on other actions to reduce exposure to and risks from China's promotion of the National Transportation and Logistics Public Information Platform (LOGINK) or other similar platforms. In response, some commenters expressed support for U.S. efforts to restrict LOGINK and its access to shipping data or to ban U.S. ports from using LOGINK.

Considering the public comments and the advice of the Section 301 Committee, the U.S. Trade Representative intends to continue to explore responsive actions as to Chinese digital logistics platforms (e.g., LOGINK).

A number of commenters addressed additional issues in response to USTR's narrowly scoped request for comments on "other actions" with respect to LOGINK. USTR took note of these comments, including suggestions that the United States reinvest in or incentivize U.S. shipbuilding and commercial fleets, including through fees being directed to a trust fund to support domestic shipyards, skilled workforce training, technology development, the addition of a land border fee and fee on Chinese-built offshore vessels, and expanding access to U.S. cabotage trade for U.S. stakeholders and European tonnage and shipbrokers.

Response to Legal Arguments Raised in the Comments

Section 301(b) of the Trade Act gives broad authority to the U.S. Trade Representative to take action to obtain the elimination of an unreasonable acts, policies, and practices of foreign country that burden or restrict U.S. commerce. Section 301(b) further provides that actions may be taken that are within the power of the President with respect to trade in any goods or services, or with respect to any other areas of pertinent relations with the foreign country. Section 301(c) further describes specific action the U.S. Trade Representative is authorized to take.

Despite the broad grant of authority in the 301 statute, some comments assert that the proposed actions are *ultra vires*, otherwise illegal, or unconstitutional. USTR responds to these comments below.

A few comments assert that the proposed actions are inconsistent with World Trade Organization (WTO) rules, and the U.S.-China Agreement on Maritime Transport. With respect to WTO rules, some comments argue that the service fees on Chinese operators and owners and operators of Chinese-built ships are a discriminatory importation charge that is inconsistent with the WTO's multilateral dispute resolution mechanism. USTR notes that Section 301(b) of the Trade Act authorizes the actions proposed in the investigation, which are in response to numerous findings of unreasonable acts, policies, and practices of China that burden or restrict U.S. commerce. Moreover, as detailed in USTR's Report, the myriad of acts, policies and practices deployed by China in pursuit of its goals for global dominance of the maritime and logistics sectors cannot be appropriately addressed through recourse to WTO dispute settlement proceedings.

In response to comments that the proposed actions violate the U.S.-China Agreement on Maritime Transport,⁶ USTR notes that the agreement does not contain any provision which would prohibit the U.S. Trade Representative from taking the proposed actions, especially in light of acts, policies, and practices by China which are inconsistent with China's commitment to market principles in shipping and intermodal services.

In response to comments that USTR's proposed service fees imposed on non-Chinese operators are *ultra vires*, USTR notes that the plain language of section 301(c) of the Trade Act. Section 301(c)(1)(B) authorizes the U.S. Trade Representative to impose restrictions on services of the investigated foreign country, notwithstanding any other provision of law. Section 301(c)(3)(A)–(B) provides additional authority for the U.S. Trade Representative to take action authorized by Section 301(b) against any goods or economic sector, on a nondiscriminatory basis or solely against the foreign country under investigation, and without regard to whether or not such goods or economic sector were involved in the acts, policies or practices that are the subject of the investigation. Together, these provisions authorize services fees to be applied against China as well as on a nondiscriminatory basis.

In response to comments that USTR's proposed restriction to promote the transport of U.S. goods on U.S. ships does not constitute a fee or a duty or a restriction on a service, USTR notes that the proposal to restrict the international maritime transport of certain U.S. goods is, by its very terms, a restriction of a service. USTR does not consider the restriction on services in Annex IV to be taken with respect to any prior service sector authorization because this action creates a new restriction on the provision of maritime transport services.

USTR does not consider that the proposed fees contravene the Export Clause of the U.S. Constitution, nor does USTR consider the fees to be sufficiently closely related to the export process. The proposed fees are fees on maritime transport services payable upon entrance of a covered vessel at arrival at a port in the customs territory of the United States from a foreign destination, rather than on export from a state of the United States.

USTR disagrees with novel arguments that the proposed actions may amount

to a regulatory taking without just compensation or that the proposed actions are unconstitutional under the Excessive Fines Clause of the Eighth Amendment. Assuming for the sake of response that a service fee could provide a basis for a constitutional takings claim, the fee structure in the final actions has been recalibrated in response to public comments in order to diminish severe adverse economic impacts on U.S. industries. The fees also reflect an amount that would be sufficiently meaningful to change commercial behavior and potential market responses. Coupled with the limited scope of the fees and extended lead times, USTR finds no basis for an assertion of an unconstitutional takings claim. USTR considers that the Excessive Fines Clause of the Eighth Amendment would be inapplicable to USTR's proposed actions as service fees or restrictions are not themselves fines or penalties.

D. Proposed Action

In accordance with the President's direction, the U.S. Trade Representative has considered whether to propose additional duties on certain ship-to-shore cranes and other cargo handling equipment. The U.S. Trade Representative has determined that it is appropriate to do so considering, as discussed in USTR's Report, China's overwhelming production share of ship-to-shore cranes, intermodal chassis, and shipping containers, and China's increasing shares of other components and products.

Specifically, the Report issued by USTR in this investigation highlights the vulnerabilities arising from over-reliance on Chinese production of ship-to-shore cranes and other maritime components and equipment, noting that such over-reliance may create opportunities for China to manipulate the supply of critical components or materials essential to U.S. maritime infrastructure. USTR's report highlights that China's targeting of the maritime sectors for dominance has severely undercut competition, leading to China overwhelming controlling global production of STS cranes, intermodal chassis, and shipping containers, among others. Consistent with the President's direction in Executive Order 14269, the U.S. Trade Representative finds that proposing 301 duties on these products is an additional and appropriate source of leverage to encourage China to eliminate the investigated acts policies and practices.

The U.S. Trade Representative has determined to propose the following:

⁶ Agreement on Maritime Transport between the Government of the United States of America and the Government of the People's Republic of China, Signed at Washington on 8 December 2003.

- Additional duties of up to 100 percent on STS cranes manufactured, assembled, or made using components of Chinese origin, or manufactured anywhere in the world by a company owned, controlled, or substantially influenced by a Chinese national, as described in Annex V, and

- Additional duties of up to 100 percent on certain cargo handling equipment of China, as specified in Annex V to this notice.

In order to give effect to the President's direction, the U.S. Trade Representative proposes that action with the respect to STS cranes be taken on a non-discriminatory basis. For informational purposes, Annex V contains a list of the tariff subheadings and product descriptions covered by the tariff action.

E. Request for Public Comments

In accordance with Section 307(a)(2)(b) of the Trade Act (19 U.S.C. 2414(b)), and consistent with specific direction of the President, USTR invites comments from interested persons with respect to the proposed tariff actions as provided in Annex V to this notice.

USTR requests comments with respect to the following considerations in relation to proposed tariff actions:

- The specific products to be subject to increased duties, including whether the tariff subheadings and product descriptions listed in the Annex V should be retained or removed, or whether tariff subheadings not currently on the list should be added.

- The level of the increase, if any, in the rate of duty.

- Whether the increased duties should take effect in 180 days, or over a phase-in period of 6 to 24 months.

In commenting on the proposed tariff actions, USTR requests that commenters specifically address whether the action would be practicable or effective to obtain the elimination of China's acts, policies, and practices.

To be assured of consideration, you must submit written comments on the proposed action by May 19, 2025, and post-hearing rebuttal comments seven calendar days after the last day of the public hearing.

F. Hearing Participation

The Section 301 Committee will convene a public hearing in the main hearing room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, beginning at 10 a.m. on May 19, 2025 regarding the proposed tariff action. To be assured of consideration, you must submit requests to appear at the hearing by May 8, 2025. The request to appear should include a

summary of the testimony, and may be accompanied by a pre-hearing submission.

To participate in the hearing, you must submit a request to appear at the hearing using the appropriate docket on the electronic portal at <https://comments.ustr.gov/s/>. You will be able to view docket number USTR–2025–0009 entitled 'Request to Appear at the Hearing on Proposed Action in the Section 301 Investigation of China's Targeting of the Maritime, Logistics, and Shipbuilding Sectors for Dominance'. Requests to appear must include a summary of testimony, and may be accompanied by a pre-hearing submission. Remarks at the hearing are limited to five minutes to allow for possible questions from the Section 301 Committee. All submissions must be in English.

VII. Procedure for Written Submissions

You must submit written comments and rebuttal comments using docket number USTR–2025–0008 on the electronic portal at <https://comments.ustr.gov/s/>. To submit written comments, use the docket on the portal entitled 'Request for Comments on Proposed Action in the Section 301 Investigation of China's Targeting of the Maritime, Logistics, and Shipbuilding Sectors for Dominance.'

You do not need to establish an account to submit comments. The first screen of each docket allows you to enter identification and contact information. Third party organizations such as law firms, trade associations, or customs brokers, should identify the full legal name of the organization they represent, and identify the primary point of contact for the submission. Information fields are optional; however, your comment or request may not be considered if insufficient information is provided.

Fields with a gray Business Confidential Information (BCI) notation are for BCI information which will not be made publicly available. Fields with a green (Public) notation will be viewable by the public.

After entering the identification and contact information, you can complete the remainder of the comment, or any portion of it by clicking "Next." You may upload documents at the end of the form and indicate whether USTR should treat the documents as business confidential or public information.

Any page containing BCI must be clearly marked 'BUSINESS CONFIDENTIAL' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information

that is BCI. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public.

Parties uploading attachments containing BCI also must submit a public version of their comments. If these procedures are not sufficient to protect BCI or otherwise protect business interests, please contact the USTR Section 301 support line at (202) 395–5725 to discuss whether alternative arrangements are possible.

USTR will post attachments uploaded to the docket for public inspection, except for properly designated BCI. You can view submissions on USTR's electronic portal at <https://comments.ustr.gov/s/> by entering docket numbers USTR–2025–0008 and USTR–2025–0009 in the search field on the home page.

The U.S. Trade representative will continue to monitor the effects of the trade action and the progress made toward resolution of this matter. Additionally, the U.S. Trade Representative will continue to consider the proposed actions and possible actions, including actions to address LOGINK and fees on Chinese-built off-shore vessels. In considering possible modifications, the U.S. Trade Representative will also consider the progress of policies under Executive Order 14269 (Restoring America's Maritime Dominance), including coordination with allies and partners regarding the actions taken in this investigation and efforts to reduce dependencies on adversaries through capital investments in U.S. shipbuilding and the establishment of a reliable funding source for programs under the Maritime Action Plan. If modification to the action may be appropriate, the U.S. Trade Representative will consider the comments received in response to the February 27 notice.

Jennifer Thornton,

General Counsel, Office of the United States Trade Representative.

In all cases the formal language in Annexes I, II, III, and IV govern the terms of the respective actions. The fees and requirements of the following Annexes are not cumulative. A vessel, as defined in 19 CFR 4.0(a), will be subject to either: (a) one of the three fees directed under Annex I, II, or III; or (b) a requirement under Annex IV.

The fees and requirements are assessed in the following order:

(1) A vessel that is specially designed for the international maritime transport

of liquefied natural gas (LNG), is subject to Annex IV. A vessel subject to Annex IV is not subject to the fees in Annexes I, II, or III.

(2) A vessel properly identified as a “Vehicle Carrier” on U.S. Customs and Border Protection Form 1300, or its electronic equivalent, will be subject to Annex III.

(3) A vessel that meets the conditions of Annex I, *e.g.*, a vessel operated by a Chinese entity or owned by a Chinese entity, will be subject to the fee imposed under Annex I.

(4) A vessel may be subject to Annex II when Annex I and Annex III do not apply.

Annex I: Service Fee on Chinese Vessel Operators and Vessel Owners of China

For the purposes of this Annex:

(a) Vessel. The term “vessel” has the meaning defined in 19 CFR 4.0(a).

(b) U.S. port. The term “U.S. port” has the meaning defined in 19 CFR 101.3(b)(1).

(c) Vessel operator. The term “vessel operator” means the entity which is identified as the operator of the vessel and whose name would appear on the Vessel Entrance or Clearance Statement (U.S. Customs and Border Protection (CBP) Form 1300) or its electronic equivalent.

(d) Vessel owner. The term “vessel owner” means the entity which is identified as the owner of the vessel and whose name would appear on the Vessel Entrance or Clearance Statement (CBP Form 1300) or its electronic equivalent.

(e) Vessel owner of China. A vessel owner of China means any entity:

(1) whose country of citizenship is identified as the People’s Republic of China (PRC), Hong Kong, or Macau on the Vessel Entrance or Clearance Statement or its electronic equivalent;

(2) whose headquarters, parent entity’s headquarters, or parent entity’s principal place of business is the PRC, Hong Kong, or Macau;

(3) is owned by, or controlled by, a citizen or citizens of the PRC, Hong Kong, or Macau;

(4) is owned by, controlled by, or subject to the jurisdiction or direction of the PRC, Hong Kong, or Macau. An entity is owned by, controlled by, or subject to the jurisdiction or direction of the PRC, Hong Kong, or Macau where:

(A) the entity is a national or resident of the PRC, Hong Kong, or Macau;

(B) the entity is organized under the laws of or has its principal place of business in the PRC, Hong Kong, or Macau;

(C) 25 percent or more of the entity’s outstanding voting interest, board seats, or equity interest is held directly or indirectly by any combination of the governments of the PRC, Hong Kong, or Macau;

(D) 25 percent or more of the entity’s outstanding voting interest, board seats, or equity interest is held directly or indirectly by any combination of the persons who fall within subparagraph (e)(4)(A)–(C) of this Annex;

(5) is owned by, or controlled by, an entity listed as a Chinese Military Company

pursuant to Section 1260H of the William M. (“Mac”) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283); or

(6) is an ocean common carrier, as defined in 46 U.S.C. 40102(7), that is, or whose operating assets are, directly or indirectly, owned or controlled by the government of the PRC or any of its political subdivisions, with ownership or control by a government being deemed to exist for a carrier if:

(A) a majority of the interest in the carrier is owned or controlled in any manner by the government of the PRC, an agency of the government of the PRC, or a public or private person controlled by the government of the PRC; or

(B) the government of the PRC or any of its political subdivisions has the right to appoint or disapprove the appointment of a majority of the directors, the chief operating officer, or the chief executive officer of the carrier.

(f) Vessel operator of China. A vessel operator of China means any entity that is a vessel operator that meets one or more of the conditions of subparagraphs (e)(1)–(6) of this Annex.

Collections, supplemental payments, and refunds—

(g) *Time and place of liability.* Subject to the exemptions and special rules of this Annex, on or before the entry of a vessel at the first U.S. port or place from outside the Customs territory on a particular string, the vessel operator must pay:

Effective as of April 17, 2025, a fee in the amount of \$0 per net ton for the arriving vessel.

Effective as of October 14, 2025, a fee in the amount of \$50 per net ton for the arriving vessel.

Effective as of April 17, 2026, a fee in the amount of \$80 per net ton for the arriving vessel.

Effective as of April 17, 2027, a fee in the amount of \$110 per net ton for the arriving vessel.

Effective as of April 17, 2028, a fee in the amount of \$140 per net ton for the arriving vessel.

The fee will be charged up to five times per year, per vessel.

(h) *Reporting.* The vessel operator is responsible for calculating this fee and providing supporting documentation, upon request.

(i) *Fee payment.* The vessel operator must pay all accumulated fees for which that entity is liable as determined by CBP. Payment may be made using existing government methods to the extent possible, as determined by CBP.

Annex II: Service Fee on Vessel Operators of Chinese-Built Vessels

For the purposes of this Annex:

(a) Vessel. The term “vessel” has the meaning defined in 19 CFR 4.0(a).

(b) Entry of a vessel. The phrase “entry of a vessel” has the meaning provided in 19 CFR 4.3.

(c) U.S. port. The term “U.S. port” has the meaning defined in 19 CFR 101.3(b)(1).

(d) Vessel operator. The term “vessel operator” means the entity which is identified as the operator of the vessel and

whose name would appear on the Vessel Entrance or Clearance Statement (U.S. Customs and Border Protection (CBP) Form 1300) or its electronic equivalent.

(e) Chinese-built vessel. A Chinese-built vessel is a vessel that was built in the People’s Republic of China, consistent with the definition of place of build in CBP and U.S. Coast Guard (USCG) regulations and would be so identified on the Vessel Entrance or Clearance Statement (CBP Form 1300) or its electronic equivalent.

(f) Container. The term “container” means a container as defined in 19 CFR 10.41a, which references the definitions used in the *Customs Convention on Containers*.

Collections, supplemental payments, and refunds—

(a) *Time and place of liability.* Subject to the coverage and special rules of this Annex, upon the arrival of a Chinese-built vessel to a U.S. port or point from outside the Customs territory on a particular string, a vessel operator that is not a vessel operator of China (as defined in Annex I, paragraph (f)) must pay the higher of these two fee calculation methods:

(1) *Effective as of April 17, 2025*, a fee in the amount of \$0 per net ton for the arriving vessel.

Effective as of October 14, 2025, a fee in the amount of \$18 per net ton for the arriving vessel.

Effective as of April 17, 2026, a fee in the amount of \$23 per net ton for the arriving vessel.

Effective as of April 17, 2027, a fee in the amount of \$28 per net ton for the arriving vessel.

Effective as of April 17, 2028, a fee in the amount of \$33 per net ton for the arriving vessel.

or:

(2) *Effective as of: April 17, 2025*, a fee in the amount of \$0 for each container discharged.

Effective as of: October 14, 2025, a fee in the amount of \$120 for each container discharged.

Effective as of: April 17, 2026, a fee in the amount of \$153 for each container discharged.

Effective as of: April 17, 2027, a fee in the amount of \$195 for each container discharged.

Effective as of: April 17, 2028, a fee in the amount of \$250 for each container discharged.

The fee will be charged up to five times per year, per vessel.

(b) *Reporting.* If the per container fee is assessed, the vessel operator must report to CBP the total number of containers discharged at a U.S. port, or discharged with an ultimate destination in the Customs territory of the United States.

(c) *Fee payment.* The vessel owner must pay all accumulated fees for which that entity is liable as determined by CBP. Payment may be made using existing U.S. government methods to the extent possible as determined by CBP.

(d) *Suspension of Fee.* CBP will suspend this applicable fee on a particular vessel for a period not to exceed three years if the vessel owner orders and takes delivery of a

U.S.-built vessel of equivalent or greater net tonnage. Owners will be eligible for the remission upon order of, and until delivery of, a U.S.-built vessel, as defined under paragraph (e) of this section. An equivalent non-U.S. built vessel means a vessel with a net tonnage capacity of equal to or less than the U.S.-built vessel ordered in this paragraph. If a prospective vessel owner does not take delivery of the U.S.-built vessel ordered within three years, the fees will become due immediately. Proof of the order must be provided on demand, and may include information such as order and contract information related to the order.

(e) *Requirements for U.S.-Built Vessels.* A U.S.-built vessel meets the requirements described in this Annex if:

- (1) the vessel is built in the United States;
- (2) the vessel is documented under the laws of the United States;
- (3) all major components of the hull or superstructure of the vessel are manufactured (including all manufacturing processes from the initial melting stage through the application of coatings for iron or steel products) in the United States; and
- (4) the components of the vessel listed in paragraph (f) of this section are manufactured in the United States.

(f) *Components.* The components of a U.S.-built vessel for purposes of subparagraph (e)(4) of this section are the following:

- (1) Air circuit breakers.
- (2) Welded shipboard anchor and mooring chain.
- (3) Powered and non-powered valves in Federal Supply Classes 4810 and 4820 used in piping.
- (4) Machine tools in the Federal Supply Classes for metal-working machinery numbered 3405, 3408, 3410 through 3419, 3426, 3433, 3438, 3441 through 3443, 3445, 3446, 3448, 3449, 3460, and 3461.
- (5) Auxiliary equipment for shipboard services, including pumps.
- (6) Propulsion equipment, including engines, propulsion motors, reduction gears, and propellers.
- (7) Shipboard cranes.
- (8) Spreaders for shipboard cranes.
- (9) Rotating electrical equipment, including electrical alternators and motors.
- (10) Compressors, pumps, and heat exchangers used in managing and re-liquefying boil-off gas from liquefied natural gas.

Targeted Coverage

The fees imposed in this Annex do not apply to U.S. government cargo.

The fees imposed in this Annex do not apply to the following Chinese-built vessels:

- (i) U.S.-owned or U.S.-flagged vessels enrolled in the Voluntary Intermodal Sealift Agreement, the Maritime Security Program, the Tanker Security Program, or the Cable Security Program;
- (ii) vessels arriving empty or in ballast;
- (iii) vessels with a capacity of equal to or less than: 4,000 Twenty-Foot Equivalent Units, 55,000 deadweight tons, or an individual bulk capacity of 80,000 deadweight tons;
- (iv) vessels entering a U.S. port in the continental United States from a voyage of

less than 2,000 nautical miles from a foreign port or point;

(v) U.S.-owned vessels, where the U.S. entity owning the vessel is controlled by U.S. persons and is at least 75 percent beneficially owned by U.S. persons;

(vi) specialized or special purpose-built vessels for the transport of chemical substances in bulk liquid forms; and

(vii) vessels principally identified as “Lakers Vessels” on CBP Form 1300, or its electronic equivalent.

Annex III: Service Fee on Vessel Operators of Foreign-Built Vehicle Carriers

For the purposes of this Annex:

(a) Vessel. The term “vessel” has the meaning defined in 19 CFR 4.0(a).

(b) U.S. port. The term “U.S. port” has the meaning defined in 19 CFR 101.3(b)(1).

(c) Vessel operator. The term “vessel operator” means the entity which is identified as the operator of the vessel and whose name would appear on the Vessel Entrance or Clearance Statement (U.S. Customs and Border Protection (CBP) Form 1300) or its electronic equivalent.

(d) Vehicle carrier. A vessel principally identified as a “Vehicle Carrier” on CBP Form 1300, or its electronic equivalent. For information only, a vessel is normally principally identified as a vehicle carrier when the vessel is designed for wheeled or tracked cargo that can load itself on-board. Cargo generally drives onto the vessel through decks via ramps, rather than being lifted through hatches.

(e) Non-U.S. built vessel. The term “non-U.S. built vessel” means any vessel that does not meet the requirements of paragraph (f) of this section.

(f) *Requirements for U.S.-Built Vessels.* A U.S.-built vessel meets the requirements described in this Annex if:

- (1) the vessel is built in the United States;
- (2) the vessel is documented under the laws of the United States;
- (3) all major components of the hull or superstructure of the vessel are manufactured (including all manufacturing processes from the initial melting stage through the application of coatings for iron or steel products) in the United States; and
- (4) the components of the vessel listed in paragraph (g) of this section are manufactured in the United States.

(g) *Components.* The components of a U.S.-built vessel for purposes of subparagraph (e)(4) of this section are the following:

- (1) Air circuit breakers.
- (2) Welded shipboard anchor and mooring chain.
- (3) Powered and non-powered valves in Federal Supply Classes 4810 and 4820 used in piping.
- (4) Machine tools in the Federal Supply Classes for metal-working machinery numbered 3405, 3408, 3410 through 3419, 3426, 3433, 3438, 3441 through 3443, 3445, 3446, 3448, 3449, 3460, and 3461.
- (5) Auxiliary equipment for shipboard services, including pumps.
- (6) Propulsion equipment, including engines, propulsion motors, reduction gears, and propellers.

(7) Shipboard cranes.

(8) Spreaders for shipboard cranes.

(9) Rotating electrical equipment, including electrical alternators and motors.

(10) Compressors, pumps, and heat exchangers used in managing and re-liquefying boil-off gas from liquefied natural gas.

Collections, supplemental payments, and refunds—

(h) *Time and place of liability.* Subject to the coverage and special rules of this Annex, on or before the entry of a non-U.S. built vessel at the first U.S. port or place from outside the Customs territory, the vessel operator must pay:

Effective as of April 17, 2025, a fee of \$0 on the entering non-U.S. built vessel.

Effective as of October 14, 2025, a fee in the amount of \$150 per Car Equivalent Unit (CEU) capacity of the entering non-U.S. built vessel.

(i) *Reporting.* The vessel operator is responsible for calculating this fee and providing supporting documentation, upon request.

(j) *Fee payment.* The vessel operator must pay all accumulated fees for which that entity is liable as determined by CBP. Payment may be made using existing government methods to the extent possible as determined by CBP.

(k) *Suspension of Fee.* CBP will suspend this applicable fee on a particular vessel for a period not to exceed three years if the vessel owner orders and takes delivery of a U.S.-built vessel of equivalent or greater CEU. Owners will be eligible for the remission upon order of, and until delivery of, a U.S.-built vessel, as defined under paragraph (f) of this section. An equivalent non-U.S. built vessel means a vessel with a CEU capacity of equal to or less than the U.S.-built vessel ordered in this paragraph. If a prospective vessel owner does not take delivery of the U.S.-built vessel ordered within three years, the fees will become due immediately. Proof of the order must be provided on demand, and may include information such as order and contract information related to the order.

Annex IV: Restriction on Certain Maritime Transport Services

For the purposes of this Annex:

(a) Vessel. The term “vessel” has the meaning defined in 19 CFR 4.0(a).

(b) Exportation. The term “exportation” has the meaning defined in 19 CFR 101.1.

(c) U.S. port. The term “U.S. port” has the meaning defined in 19 CFR 101.3(b)(1).

(d) Vessel operator. The term “vessel operator” means the entity which is identified as the operator of the vessel and whose name appears on the Vessel Entrance or Clearance Statement (U.S. Customs and Border Protection (CBP) Form 1300).

(e) Vessel owner. The term “vessel owner” means the entity which is identified as the owner of the vessel and whose name appears on the Vessel Entrance or Clearance Statement (CBP Form 1300).

* * * * *

Notwithstanding any other provision of law, exports of liquified natural gas (LNG) shall be transported on vessels that receive a license consistent with this Annex and meet

the requirements as described below on an annual basis.

(f) *Schedule of Restrictions.* For all LNG intended for exportation by vessel in a calendar year, the following percentage must be exported by a U.S.-built vessel that meets the requirements described as follows:

(1) From April 17, 2025, to April 16, 2026: no restrictions.

(2) From April 17, 2026, to April 16, 2027: no restrictions.

(3) From April 17, 2027, to April 16, 2028: no restrictions.

(4) From April 17, 2028, to April 16, 2029: one percent on U.S.-flagged and U.S.-operated vessels.

For every subsequent year, the following percentages are exported by U.S.-built, U.S.-flagged, and U.S.-operated vessels:

(5) From April 17, 2029, to April 16, 2030: one percent.

(6) From April 17, 2030, to April 16, 2031: one percent.

(7) From April 17, 2031, to April 16, 2032: two percent.

(8) From April 17, 2032, to April 16, 2033: three percent.

(9) From April 17, 2033, to April 16, 2034: three percent.

(10) From April 17, 2034, to April 16, 2035: four percent.

(11) From April 17, 2035, to April 16, 2036: four percent.

(12) From April 17, 2036, to April 16, 2037: six percent.

(13) From April 17, 2037, to April 16, 2038: six percent.

(14) From April 17, 2038, to April 16, 2039: seven percent.

(15) From April 17, 2039, to April 16, 2040: seven percent.

(16) From April 17, 2040, to April 16, 2041: seven percent.

(17) From April 17, 2041, to April 16, 2042: nine percent.

(18) From April 17, 2042, to April 16, 2043: nine percent.

(19) From April 17, 2043, to April 16, 2044: eleven percent.

(20) From April 17, 2044, to April 16, 2045: eleven percent.

(21) From April 17, 2045, to April 16, 2046: thirteen percent.

(22) From April 17, 2046, to April 16, 2047: thirteen percent.

(23) From April 17, 2047: fifteen percent.

The percentage of LNG in paragraphs (f)(1)–(23) of this Annex is determined based on the prior calendar year's total LNG, expressed in cubic feet, that was exported by maritime transport as reported by the U.S. Department of Energy. The percentage value, expressed in cubic feet, will be controlling until such annual calculation is reported by the U.S. Department of Energy.

(g) *Requirements for U.S.-Built Vessels.* A U.S.-built vessel meets the requirements described in this Annex:

(1) with respect to the requirements of paragraph (f)(1) through (f)(4) of this Annex:

(A) if:

(i) the vessel is documented under the laws of the United States; and

(ii) with respect to any retrofit work necessary for the vessel to export natural gas:

(aa) such work is done in a shipyard in the United States; and

(bb) any component of the vessel listed in section (c) of this Annex that is installed during the course of such work is manufactured in the United States; or

(B) if:

(i) the vessel is built in the United States;

(ii) the vessel is documented under the laws of the United States;

(iii) all major components of the hull or superstructure of the vessel are manufactured (including all manufacturing processes from the initial melting stage through the application of coatings for iron or steel products) in the United States; and

(iv) the components of the vessel listed in section (h) of this Annex are manufactured in the United States; and

(2) with respect to the requirements of paragraph (f)(5) through (f)(22) of this Annex, if the vessel meets the requirements of subparagraph (g)(1)(B) of this Annex.

(h) *Components.* The components for purposes of subparagraph (g)(1)(A)(ii)(BB) or subparagraph (g)(1)(B)(iv) of this Annex are the following:

(1) Air circuit breakers.

(2) Welded shipboard anchor and mooring chain.

(3) Powered and non-powered valves in Federal Supply Classes 4810 and 4820 used in piping.

(4) Machine tools in the Federal Supply Classes for metal-working machinery

numbered 3405, 3408, 3410 through 3419, 3426, 3433, 3438, 3441 through 3443, 3445, 3446, 3448, 3449, 3460, and 3461.

(5) Auxiliary equipment for shipboard services, including pumps.

(6) Propulsion equipment, including engines, propulsion motors, reduction gears, and propellers.

(7) Shipboard cranes.

(8) Spreaders for shipboard cranes.

(9) Rotating electrical equipment, including electrical alternators and motors.

(10) Compressors, pumps, and heat exchangers used in managing and re-liquefying boil-off gas from liquefied natural gas.

(i) *Suspension of Restriction.* Paragraph (f) of this Annex will not apply to a particular vessel for a period not to exceed three years if the vessel owner orders and takes delivery of a U.S.-built vessel of equivalent or greater LNG capacity, measured in cubic feet. Vessel owners will be eligible for licensing upon order of, and until delivery of, a U.S.-built vessel, as defined under paragraph (g)(1)(B) of this Annex. An equivalent non-U.S. built vessel means a vessel with an LNG capacity measured in cubic feet capacity of equal to or less than the U.S.-built vessel ordered in this paragraph. Proof of the order must be provided on demand, and may include information such as order and contract information related to the order.

(j) *Suspension of Export Licenses.* If the terms of paragraph (f) of this Annex are not met, then USTR may direct the suspension of LNG export licenses until the terms of paragraph (f) of this Annex are met.

(k) *Reporting.* Beginning in the third year (April 16, 2028), the LNG terminal must report to DOE the LNG shipments, and percentage of LNG shipped, on U.S.-flagged, U.S.-built, and U.S.-operated vessels consistent with this Annex.

Annex V: Tariffs on Ship-to-Shore (STS) Cranes and Cargo Handling Equipment of China

The U.S. Trade Representative (USTR) proposes to assess additional duties on the following products of China at the proposed levels:

Item	HTSUS	Proposed rate
Containers	HTSUS 8609.00.00	20% to 100%.
Chassis	HTSUS 8716.39.0090	20% to 100%.
Chassis parts	HTSUS 8716.90.30	20% to 100%.
Chassis parts	HTSUS 8716.90.50	20% to 100%.
Ship-Ship-to-shore gantry cranes, configured as a high- or low-profile steel superstructure and designed to unload intermodal containers from vessels with coupling devices for containers, including spreaders or twist-locks.	Provided for in subheading HTSUS 8426.19.00.	100%.

USTR proposes to assess these additional duties in addition to duties assessed under other authorities, including related to national security, national emergency, Column 1 of the HTSUS, or anti-dumping or countervailing duties (AD/CVD).

I. USTR proposes to apply duties to STS cranes that satisfy the following conditions:

(1) That are products of China; or

(2) Where one or more of the following components, assembly, or sub-assembly thereof, in the ship-to-shore crane are products of China:

a. the main boom,

b. the trolley,

c. the spreader,

d. the cabin,

e. the legs,

f. the cable reel,

g. the power supply,

h. the bogie set and wheels, and

i. any information technology equipment;

or,

(3) Where an importer cannot attest that the subject ship-to-shore crane was not manufactured by a company owned or controlled by a Chinese person, then the

article would be declared as a crane of China for these purposes. To satisfy this requirement to fall, an importer would have to prepared to demonstrate, if required by U.S. Customs and Border Protection, that

a. The ship-to-shore crane(s) that was/were entered into the customs territory of the United States at entry were not manufactured, assembled, or made using parts or components from China;

b. The ship-to-shore crane(s) were not manufactured by a company or other entity that is owned or controlled by a Chinese person or legal entity, or subject to the effective control of a Chinese person or legal entity;

c. No component or assembly of the ship-to-shore crane(s) transited through, or was stored in, any territory of the People's Republic of China, including any free trade zone; and

d. No component, sub-assembly, or assembly of the ship to shore crane(s) will be installed by an employee or contractor of a company or other entity that is owned or controlled by a Chinese person or legal entity, or subject to the effective control of a Chinese person or legal entity.

II. For these purposes of this Annex, the following meanings apply:

A "company or other entity that is owned or controlled by a Chinese person" means:

(1) an entity or instrument of the People's Republic of China, (including the Government of the People's Republic of China);

(2) A natural person who is a citizen of the People's Republic of China;

(3) A partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in the People's Republic of China;

(4) An entity organized under the laws of the United States or any other jurisdiction that is subject to the ownership, control, or

direction of another entity that qualifies under subparagraphs II.(1)–(3) of this section. An entity is "subject to the ownership, control, or direction of" another entity if:

(A) 25 percent or more of the entity's board seats, voting rights, or equity interest are cumulatively held by that other entity, whether directly or indirectly via one or more intermediate entities; or

(B) the entity has entered into a licensing arrangement or other contract with another entity (a contractor) that entitles that other entity to exercise effective control over the manufacturing or assembly (collectively, "production") of a ship-to-shore crane, its components, or other materials that would be attributed to the entity.

"Government of the People's Republic of China" means:

(a) A national or subnational government of the People's Republic of China;

(b) An agency or instrumentality of a national or subnational government of the People's Republic of China;

(c) A dominant or ruling political party (e.g., Chinese Communist Party (CCP)) of the People's Republic of China; or

(d) A current or former senior foreign political figure of the People's Republic of China.

"Senior foreign political figure" means

(a) a senior official, either in the executive, legislative, administrative, military, or judicial branches of the People's Republic of China (whether elected or not),

(b) a senior official of a dominant or ruling foreign political party (e.g. CCP), or

(c) an immediate family member (spouse, parent, sibling, child, or a spouse's parent and sibling) of any individual described in (a) or (b) of this definition.

In order to be considered "senior," an official should be or have been in a position of substantial authority over policy, operations, or the use of government-owned resources.

"Indirect control." For purposes of determining whether an entity indirectly holds board seats, voting rights, or equity interest in a tiered ownership structure:

(a) If a "parent" entity that qualifies under subparagraphs II.(1)–(3) of this section directly holds 50 percent or more of a "subsidiary" entity's board seats, voting rights, or equity interest, then the parent and subsidiary are treated as equivalent in the evaluation of control, as if the subsidiary were an extension of the parent. As such, any holdings of the subsidiary are fully attributed to the parent.

(b) If a "parent" entity that qualifies under subparagraphs II.(1)–(3) of this section directly holds less than 50 percent of a "subsidiary" entity's board seats, voting rights, or equity interest, then indirect ownership is attributed proportionately.

"Effective control." For purposes of determining whether an entity has effective control, an entity that qualifies under subparagraphs II.(1)–(3) of this section that has a contractual relationship to determine the quantity or timing of production; to determine which entities may purchase or use the output of production; to restrict access to the site of production to the contractor's own personnel; or the exclusive right to maintain, repair, or operate equipment that is critical to production, is deemed to have effective control over an entity."

Note: The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. Any questions regarding the scope of particular HTS subheadings should be referred to U.S. Customs and Border Protection.

HTSUS subheading or statistical reporting No.	Product description
8609.00.00	Containers (including containers for the transport of fluids) specially designed and equipped for carriage by one or more modes of transport.
8716.39.0090	Trailers and semi-trailers; other vehicles, not mechanically propelled; and parts thereof; other; other.
8716.90.30	Trailers and semi-trailers; other vehicles, not mechanically propelled; and parts thereof, castors, other than those of heading 8302.
8716.90.50	Trailers and semi-trailers; other vehicles, not mechanically propelled; and parts thereof, other parts.
8426.19.00	Ship-to-shore gantry cranes, configured as a high- or low-profile steel superstructure and designed to unload intermodal containers from vessels with coupling devices for containers, including spreaders or twist-locks.

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****[Docket Number: 2025–0771]****Agency Information Collection****Activities: Requests for Comments;
Clearance of Renewed Approval of
Information Collection: Automatic
Dependent Surveillance—Broadcast
(ADS–B) Out Performance
Requirements To Support Air Traffic
Control (ATC)****AGENCY:** Federal Aviation Administration (FAA), Department of Transportation.**ACTION:** Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves Automatic Dependent Surveillance–Broadcast (ADS–B) Out equipage and subsequent maintenance post-installation recordkeeping. The information to be collected will be used to and/or is necessary for continued aircraft certification and recordkeeping.

DATES: Written comments should be submitted by June 29, 2025.

ADDRESSES: Please send written comments:

By Electronic Docket:
www.regulations.gov (Enter docket number into search field).

By Mail: Evan Setzer, ADS–B Program Office, 600 Independence Ave., Washington, DC 20591.

By Fax: (202) 267–1283

FOR FURTHER INFORMATION CONTACT:

Jamal A. Wilson by email at: jamal.wilson@faa.gov; phone: (202) 267–4301.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0728.

Title: Automatic Dependent Surveillance—Broadcast (ADS–B) Out

Performance Requirements to Support Air Traffic Control (ATC).

Form Numbers: FAA Form 337.

Type of Review: Clearance of a renewal of an information collection.

Background: Title 49 of the United States Code, Subtitle VII, Aviation Programs, described in detail the scope of the Federal Aviation Administration (FAA) Administrator's authority. Rulemaking for Automatic Dependent Surveillance–Broadcast (ADS–B) Out was promulgated under the authority described subtitle VII, part A, subpart I, section 40103, Sovereignty and use of the Airspace, and subpart III, section 44701, General requirements. Under section 40103, the FAA is charged with prescribing regulations on: (1) the flight of aircraft, including regulations on safe altitudes; (2) the navigation, protection, and identification of aircraft; and (3) the safe and efficient use of the navigable airspace. Under section 44701, the FAA is charged 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 and national security.

On May 28, 2010, the FAA published the final rule entitled “Automatic Dependent Surveillance–Broadcast (ADS–B) Out Performance Requirements to Support Air Traffic Control (ATC) Service”.¹ As of January 2, 2020, when operating in the airspace designated in 14 CFR 91.225(a) and (d), operators must be equipped with ADS–B Out avionics that meet the performance requirements of 14 CFR 91.227. In short, ADS–B rule airspace consists of the entirety of a Class B airport's airspace and the surrounding Mode C veil, Class C airspace and the airspace above Class C up to 10,000 ft, all U.S. sovereign airspace above 10,000 ft, and all Class A airspace. Basic elements of the ADS–B Out transmission include aircraft position, velocity, and identification information. Per appendix A of FAR part 43, installation of ADS–B Out avionics on certificated aircraft includes the completion of a Form 337 by the maintenance personnel accomplishing or supervising the installation. This form is submitted to document major alterations to an aircraft and is received by the Aircraft Registration Branch in Oklahoma City, OK for recordkeeping. This constitutes the only collection of information related to ADS–B Out equipage, although all information collected on Form 337 and its associated burden is already covered by OMB Control 2120–0020.

¹ 75 FR 30193.

Respondents: Maintenance or inspecting personnel responsible for ADS–B installation on an aircraft.

Frequency: N/A.

Estimated Average Burden per Response: 15 minutes per installation.

Estimated Total Annual Burden: Dependent on number of ADS–B installations conducted in a given period.

Issued in Washington, DC, on 18 April 2025.

Jamal A. Wilson,

ADS–B Program Analyst, AJM–42, ADS–B Program Office, PMO Surveillance Services, Air Traffic Organization, FAA.

[FR Doc. 2025–07023 Filed 4–22–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Maritime Administration****[Docket No. MARAD–2025–0020]****Request Notice: Use of Foreign-Built
Small Passenger Vessel in United
States Coastwise Trade, M/V
RETAINED EARNINGS****AGENCY:** Maritime Administration, DOT.**ACTION:** Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2025–0020 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD–2025–0020 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S.

Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD–2025–0020, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD–2025–0020 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses.

Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD–2025–0020 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading “Contains Confidential Commercial Information” or “Contains CCI” and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's

compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025–07003 Filed 4–22–25; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2025–0016]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Thormax

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2025–0016 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Search MARAD–2025–0016 and follow the instructions for submitting comments.

- **Mail or Hand Delivery:** Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD–2025–0016, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0016 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0016 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.
[FR Doc. 2025-07014 Filed 4-22-25; 8:45 am]
BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0018]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Kingfisher

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0018 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Search MARAD-2025-0018 and follow the instructions for submitting comments.
- **Mail or Hand Delivery:** Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0018, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body

of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0018 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above

heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0018 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.

[FR Doc. 2025-06992 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0033]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Busch Whacker

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0033 by any one of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Search MARAD-2025-0033 and follow the instructions for submitting comments.
- **Mail or Hand Delivery:** Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0033, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0033 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0033 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06977 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0012]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V Guppy

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0012 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0012 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0012, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0012 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-00012 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration,
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06990 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0043]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V TY ONE ON

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0043 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0043 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0043, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0043 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0043 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07016 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0046]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V Alacritty

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0046 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0046 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0046, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov.

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0046 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0046 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06972 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0038]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Loon

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0038 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0038 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0038, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0038 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0038 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06996 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0021]

Request Notice: Use of Foreign Vessel in U.S. Coastwise Trade, M/V OLIVE MARIE

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0021 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0021 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0021, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0021 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0021 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration,
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07001 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0041]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Sophia Marina

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0041 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0041 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0041, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0041 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0041 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07009 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0027]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Barroness

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0027 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0027 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0027, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0027 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0027 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06974 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0048]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V SERENITY

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0048 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0048 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0048, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0048 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0048 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07008 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0036]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V SEA LARK

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0036 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0036 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0036, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0036 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0036 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07006 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0028]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Mastermind

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0028 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0028 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0028, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0028 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0028 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06997 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0035]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V SUMMER SUNSET

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0035 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0035 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0035, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0035 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0035 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07011 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0042]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Reset

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0042 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0042 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0042, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0042 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0042 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07002 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0030]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Freedom

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0030 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0030 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0030, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0030 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0030 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06989 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0015]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Caroline

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0015 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0015 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0015, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0015 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0015 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06978 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0034]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V SARITA

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0034 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0034 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0034, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0034 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0034 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07005 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0031]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V VIXEN

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0031 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0031 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0031, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0031 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0031 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07019 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0032]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Lexington

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0032 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0032 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0032, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov.

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0032 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0032 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06994 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0053]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V LA FEMME DE LA MER

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0053 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0053 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0053, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0053 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0053 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06993 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0014]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V MOJO

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0014 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0014 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0014, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0014 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0014 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06998 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0037]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Aqua

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0037 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0037 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0037, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0037 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0037 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration,
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06973 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0054]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V Daydreams

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0054 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0054 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0054, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0054 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0054 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06983 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0029]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V Echo

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0029 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0029 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0029, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0029 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0029 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06986 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0047]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Defiant

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0047 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0047 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0047, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0047 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0047 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06984 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0056]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V BLACKJACK

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0056 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0056 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0056, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0056 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0056 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06976 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0013]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Chichochu

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0013 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0013 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0013, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0013 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0013 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06980 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0045]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V Cocoa Bella

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0045 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0045 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0045, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0045 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0045 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06981 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0039]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V SEAS THE BAY

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0039 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0039 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0039, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0039 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0039 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07007 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0024]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Star Fisher

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0024 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0024 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0024, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0024 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0024 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07010 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0051]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V Monikeke

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0051 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0051 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0051, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0051 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0051 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06999 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0023]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V Island Jewel

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0023 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0023 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0023, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0023 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0023 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06991 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0007]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V Wind Therapy

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0007 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0007 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0007, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0007 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0007 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07020 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0025]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V Dragonfly

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0025 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0025 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0025, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0025 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0025 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06985 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0026]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Sun Dancer

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0026 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0026 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0026, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0026 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0026 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07012 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0057]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V South'n Breeze

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0057 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0057 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0057, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0057 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0057 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07013 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0049]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V LIBERTY

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0049 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0049 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0049, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0049 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0049 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06995 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0009]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V Esprit de Mer

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0009 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0009 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0009, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0009 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0009 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06988 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0050]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V TYCHE

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0050 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0050 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0050, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0050 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0050 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07017 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0040]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V Cerulean

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0040 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0040 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0040, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0040 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0040 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06979 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0052]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Naveapr

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0052 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0052 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0052, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0052 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0052 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration,
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07000 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0011]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Three Little Birds

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0011 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0011 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0011, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0011 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0011 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07015 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0019]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V VELA VIA

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0019 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0019 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0019, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0019 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0019 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07018 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0010]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V ROCKETSHIP

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0010 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0010 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0010, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-0010 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0010 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07004 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0044]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V Belafonte

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0044 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0044 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0044, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0044 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0044 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06975 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2025-0008]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V Eeya

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before May 23, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2025-0008 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2025-0008 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2025-0008, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov,

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if the Maritime Administration (MARAD), after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT docket as MARAD-2025-0008 at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search MARAD-2025-0008 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 12121)

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-06987 Filed 4-22-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Additional Records To Be Made and Retained by Casinos

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, FinCEN invites comments on the proposed renewal, without change, of certain existing information collection requirements found in Bank Secrecy Act (BSA) regulations applicable to casinos and card clubs. Under these regulations, among other requirements, casinos and card clubs (collectively, casinos) must secure and maintain—with respect to each deposit, account, or line of credit—a record of the name, permanent address, and social security number of the person involved at the time the funds are deposited, the account is opened, or credit is extended. This request for comments is made pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments are welcome and must be received on or before June 23, 2025.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. Refer to Docket Number FINCEN-2025-0003 and Office of Management and Budget (OMB) control number 1506-0054.

- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN-2025-0003 and OMB control number 1506-0054.

Please submit comments by one method only. Comments will be reviewed consistent with the Paperwork Reduction Act of 1995 and applicable OMB regulations and guidance. All comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: FinCEN's Regulatory Support Section by submitting an inquiry at www.fincen.gov/contact.

SUPPLEMENTARY INFORMATION:

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

I. Statutory and Regulatory Provisions

The legislative framework generally referred to as the BSA consists of the Currency and Foreign Transactions Reporting Act of 1970, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act),¹ and other legislation, including the Anti-Money Laundering Act of 2020 (AML Act).² The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1960, 31 U.S.C. 5311–5314 and 5316–5336, including notes thereto, with implementing regulations at 31 CFR chapter X.

The BSA authorizes the Secretary of the Treasury (Secretary) to, *inter alia*, require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, or regulatory investigations, risk assessments or proceedings, or in intelligence or counter-intelligence activities, including analysis, to protect against terrorism, and to implement anti-money laundering/countering the financing of terrorism (AML/CFT) programs and compliance procedures.³ The Secretary has delegated to the Director of FinCEN (Director) the authority to administer the BSA.⁴

Pursuant to 31 CFR 1021.410(a), with respect to each deposit of funds, account opened, or line of credit extended, a casino is required to secure and maintain a record of the name, permanent address (address), and social security number (SSN) of the person involved at the time the funds are deposited, the account is opened, or credit is extended.⁵ Where the deposit, account, or line of credit is in the name of two or more persons, the casino must secure the name, address, and SSN of

each person having a financial interest in the deposit, account, or line of credit. The casino is required to verify the name and address of such person(s) at the time the deposit is made, the account is opened, or credit is extended, by the examination of a document as described in 31 CFR 1010.312.⁶ The specific identifying information relied upon must be recorded by the casino in the manner described in 31 CFR 1010.312.⁷ If a casino is unable to secure the required SSNs, the casino will not be deemed to be in violation of 31 CFR 1021.410 if the casino has made reasonable efforts to secure the SSNs, and it maintains a list of the names and addresses of those persons from whom the casino was unable to obtain the SSNs. The casino must make the list available to the Secretary upon request. If a person is a nonresident alien, the casino is also required to record the person's passport number or a description of another government document used to verify his or her identity.

Pursuant to 31 CFR 1021.410(b), casinos *must* retain either the original or a copy of each of the following: (1) a record of each time the casino receives funds for credit to, or deposit into, any person's account, including the name, address, and SSN⁸ of the person from whom the casino receives the funds, the date of receipt of the funds and the amount received; (2) a record of each bookkeeping entry made to a customer's deposit or credit account with the casino; (3) each statement, ledger card, or other record of each deposit or credit account with the casino, showing each transaction in or with respect to a customer's account with the casino; (4) a record of each extension of credit in excess of \$2,500, the terms and conditions of each such extension of credit, and repayments, and the customer's name, address, SSN,⁹ and

the date and amount of the transaction (including repayments); (5) a record of each advice, request, or instruction received or given by the casino with respect to a transaction involving a person, account, or place outside the United States;¹⁰ (6) records prepared or received by the casino in the ordinary course of business that would be needed to reconstruct a person's deposit or credit account with the casino or that would be needed to trace a check deposited with the casino through the casino's records to the bank of deposit; (7) all records, documents, or manuals required to be maintained by a casino under state and local laws or regulations, and regulations of any governing Indian tribe or tribal government; (8) all records that are prepared or used by a casino to monitor a customer's gaming activity; (9) a separate record containing a list of each transaction between the casino and its customers involving the following types of instruments having a face value of \$3,000 or more: (i) personal checks; (ii) business checks; (iii) official bank checks; (iv) cashier's checks; (v) third-party checks; (vi) promissory notes; (vii) traveler's checks; and (viii) money orders;¹¹ (10) a copy of the compliance program described in 31 CFR 1021.210(b); (11) for card clubs only, records of all currency transactions by customers, including, without limitation, records in the form of currency transaction logs and multiple currency transaction logs, and records of all activity at cages or similar facilities, including cage control logs.

Pursuant to 31 CFR 1021.410(c), casinos that input, store, or retain, in whole or in part, for any period of time, any record required to be maintained by 31 CFR 1010.410 or 31 CFR 1021.410 on computer disk, tape, or other machine-readable media must retain those

alien's passport number or a description of another government document used to verify that person's identity. 31 CFR 1021.410(b)(4).

¹⁰ If the transaction is a transfer outside the United States on behalf of a third party, the record must include the third party's name, address, SSN, signature, and the date and amount of the transaction. If the person for whom the transaction is being made is a non-resident alien the record must also include the person's name, the person's passport number, or a description of some other government document used to verify the person's identity. 31 CFR 1021.410(b)(5).

¹¹ The list must contain the time, date, and amount of the transaction; the name and address of the customer; the type of instrument; the name of the drawee or issuer of the instrument; all reference numbers (e.g., casino account number, personal check number, etc.); and the name or casino license number of the casino employee who conducted the transaction. A casino must place applicable transactions on the list in the chronological order in which they occur. 31 CFR 1021.410(b)(9)(ii).

¹ Public Law 107–56, 115 Stat. 272 (Oct. 26, 2001).

² The AML Act was enacted as Division F, sections 6001–6511, of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116–283, 134 Stat. 3388 (Jan. 1, 2021).

³ See 31 U.S.C. 5311(1)–(2).

⁴ Treasury Order 180–01 (*Reaffirmed* Jan. 14, 2020); see also 31 U.S.C. 310(b)(2)(I) (providing that the Director of FinCEN shall “[a]dminister the requirements of subchapter II of chapter 53 of this title, chapter 2 of title I of Public Law 91–508, and section 21 of the Federal Deposit Insurance Act, to the extent delegated such authority by the Secretary.”).

⁵ Any reference to a “casino” in chapter X, other than in 31 CFR 1010.100(t)(5)–(6), shall also include reference to a card club, unless the provision in question contains specific language varying its application to card clubs or excluding card clubs. 31 CFR 1010.100(t)(5)(iii). In this notice, a reference to an obligation of casinos should be understood to apply to card clubs as well, unless they are expressly excluded.

⁶ In October 2021, FinCEN granted limited exceptive relief to allow casinos to use suitable non-documentary methods to verify the identity of online customers. See FIN–2021–R001, “Exceptive Relief for Casinos from Certain Customer Identity Verification Requirements,” (October 19, 2021), available at https://www.fincen.gov/sites/default/files/2021-10/Casino%20Exceptive%20Relief%20101921_0.pdf.

⁷ 31 CFR 1010.312 requires verification of identity by examination of a document generally accepted within the banking community as a means of identification when cashing checks for non-depositors. The document relied upon for verification must be recorded.

⁸ If the person from whom the funds were received is a non-resident alien, the person's passport number or a description of some other government document used to verify the person's identity shall be obtained and recorded. 31 CFR 1021.410(b)(1).

⁹ If credit is extended to a non-resident alien, the casino must obtain and record the non-resident

records in the same format.¹² All indexes, books, programs, record layouts, manuals, formats, instructions, file descriptions, and similar materials that would enable a person to readily access and review the records described in 31 CFR 1010.410 and 31 CFR 1021.410, and that are recorded, stored, or retained on computer disk, tape, or other machine-readable media, must be retained for the period of time such records are required to be retained.¹³

II. Paperwork Reduction Act of 1995 (PRA)¹⁴

Title: Additional records to be made and retained by casinos (31 CFR 1021.410).

OMB Control Number: 1506–0054.

Form Number: Not applicable.

Abstract: FinCEN is issuing this notice to renew the OMB control number for regulations requiring additional records to be made and retained by casinos.

Affected Public: Businesses or other for-profit institutions.

Type of Review: Renewal without change of a currently approved information collection.

Frequency: As required.

Estimated Number of Respondents: 1,292 casinos.¹⁵

The distribution of financial institutions, by type, covered by this notice is reflected in table 1 below:

TABLE 1—DISTRIBUTION OF ENTITIES COVERED BY THIS NOTICE

Type of casino	Number of casinos
Commercial (Non- Tribal) Casino	^a 486
Tribal casino	^b 525
Card club	^c 281

¹² As FinCEN has noted before, without contradiction from the industry, whatever additional burden this specific obligation may have imposed in an earlier era when electronic record retention was rare, now that such technology is a ubiquitous and unremarkable aspect of ordinary business practice, the additional burden should be considered *de minimis*. See FinCEN, *Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Anti-Money Laundering Program Requirements for Casinos*, 89 FR 65977, 65979 footnote 22 (Aug. 13, 2024).

¹³ Pursuant to 31 CFR 1010.430(d), covered financial institutions, including casinos, are required to maintain records of certain financial transactions for a period of five years.

¹⁴ Public Law 104–13, 109 Stat. 163 (May 22, 1995), codified at 44 U.S.C. 3506(c)(2)(A).

¹⁵ Table 1 below presents the population distribution of casinos and card clubs, by type, covered by this notice.

TABLE 1—DISTRIBUTION OF ENTITIES COVERED BY THIS NOTICE—Continued

Type of casino	Number of casinos
Total	1,292

^a Estimate based on the American Gaming Association (AGA) “State of Play,” reporting 486 commercial casinos (available at <https://www.americangaming.org/state-of-play/>, accessed February 28, 2025).

^b Estimate based on the AGA “State of Play,” reporting 525 Tribal casinos as of December 31, 2023 (available at <https://www.americangaming.org/state-of-play/>, accessed February 28, 2025).

^c As of December 31, 2023, there were also 281 card clubs unaffiliated with other casino operations as published in the AGA’s “State of the States” annual report, p. 16 (available at <https://www.americangaming.org/wp-content/uploads/2024/05/AGA-State-of-the-States-2024.pdf>, accessed February 28, 2025).

*Estimated Recordkeeping Burden:*¹⁶ In the past, FinCEN noted that it faced a number of practical challenges when (i) determining the total number of deposits accepted, accounts opened, or lines of credit extended by each casino annually, and (ii) estimating how many records as described under 31 CFR 1021.410(b)(1)–(9) are generated by each casino each year.¹⁷ As a result, FinCEN has historically estimated the number of hours it would take for a casino to obtain and retain the records described in 31 CFR 1021.410(a) and 31 CFR 1021.410(b)(1)–(9) as being the same for every casino: 107.5 hours per casino.¹⁸ Since the most recent prior renewal, FinCEN has obtained additional data and qualitative information that enable

¹⁶ In addition to 31 CFR 1021.410, casinos are required to collect and retain information related to transmittals of funds pursuant to 31 CFR 1010.410. The burden for financial institutions to comply with 31 CFR 1010.410 is included in OMB control number 1506–0058. OMB control number 1506–0058 was renewed in 2024, following a notice and request for comment published in the **Federal Register**. See FinCEN, *Agency Information Collection Activities; Proposed Renewal; Comment Request, Renewal Without Change of Regulations Requiring Records To Be Made and Retained by Financial Institutions, Banks, and Providers and Sellers of Prepaid Access*, 89 FR 65971 (Aug. 13, 2024). In the notice, FinCEN assigned an expected average recordkeeping burden of 50 hours per casino or card club per year associated with the requirements in 31 CFR 1010.410(a)–(c). The burden estimates covered in this notice are meant to complement that 50-hour burden estimate and should be considered an incremental assessment of the additional time and other costs related to recordkeeping as required by 31 CFR 1021.410 that are not otherwise accounted for under other OMB control numbers pertaining to the same (or similar) activities, including OMB control numbers 1506–0051 and 1506–0058.

¹⁷ See FinCEN, *Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Additional Records To Be Made and Retained by Casinos*, 87 FR 8935 (Feb. 16, 2022).

¹⁸ *Id.*

certain revisions with a view to improving the overall accuracy of the incremental PRA burden estimates. Taken together, the effect of these revisions results in a reduction in the comparable average per casino burden estimate of approximately 30 hours per year for a casino to obtain and retain the records described in 31 CFR 1021.410(a) and 31 CFR 1021.410(b)(1)–(9).¹⁹ FinCEN has also revised downward the estimated annual burden per card club pursuant to the requirements of 31 CFR 1021.410(b)(11) by approximately 17 hours per club on average. The reasons for these revisions are discussed in greater detail below, and FinCEN is requesting public comments, particularly to the extent that bringing to FinCEN’s attention any concerns, errors, or missing data would further improve the accuracy of the incremental burden estimates for OMB control number 1506–0054.

(a) 31 CFR 1021.410(a)

Each casino must secure and maintain a record of the name, address, and SSN of each person who deposits funds, opens an account, or obtains a line of credit with the casino. Each casino must verify and document verification of this information. If a casino is unable to obtain SSNs connected to any of these transactions after making a reasonable effort to do so, the casino must maintain a list of the names and addresses of persons from whom the casino was unable to obtain SSNs, to be made available to the Secretary upon request. FinCEN is assigning an expected burden of one business day, or eight hours, on average, per casino, associated with creating and maintaining such lists, and a recordkeeping burden of two minutes per transaction associated with securing and maintaining the required personally identifying information connected with fund deposits, account openings, and extensions of credit less than or equal to \$10,000.²⁰

¹⁹ FinCEN recognizes that, in general, the population of covered casinos is highly heterogeneous and that an estimated average therefore may not represent the actual recordkeeping costs incurred by any one specific casino. To the extent that data or anecdotal information would enable FinCEN to more appropriately tailor its burden estimates to the actual business practices and accompanying costs to specific types or size cohorts of casinos, public comment is invited (see Additional Requests for Comment below).

²⁰ The recordkeeping burden associated with extensions of credit in excess of \$10,000 is included in OMB control number 1506–0058. See *supra* note 16.

(b) 31 CFR 1021.410(b)

FinCEN's estimate of incremental burden per element of 31 CFR 1021.410(b) is discussed below.

(b)(1): 31 CFR 1021.410(b)(1) requires a record of each time the casino receives funds for credit to or deposit into any person's account, including the name, address, and SSN²¹ of the person from whom the casino receives the funds, the date of receipt of the funds and the amount received. FinCEN notes that (b)(1) only incrementally requires (1) personally identifying information distinct from 31 CFR 1021.410(a) requirements when the person from whom the funds are received is not the same person already associated with the account and (2) transaction-specific information, namely the dates and amounts of the transaction. Because FinCEN expects these records to be electronically generated in the ordinary course of business for the majority of covered transactions, FinCEN is assigning an average of only one minute incremental burden per transaction.

(b)(2)–(3): 31 CFR 1021.410(b)(2) and (b)(3) require a casino to retain a record of certain transaction-related information, namely, each bookkeeping entry made to a customer's deposit or credit account (b)(2)) and/or each statement, ledger card, or other record of each deposit or credit account with the casino, showing each transaction in or with respect to a customer's account (b)(3)) with the casino. Because FinCEN believes that such records are already generated and retained in connection with the ordinary business practices of a casino, it is not assigning an incremental recordkeeping burden to these activities. However, FinCEN is mindful that in some cases, such records, though not prepared primarily for FinCEN purposes, may need to be preserved or maintained for longer periods of time to satisfy FinCEN recordkeeping obligations than they would be for the original purposes for which they were created. As such it is possible that certain technology costs may accrue related to the secure storage of data and information for the incremental period of time unique to FinCEN requirements. FinCEN is therefore soliciting comments on the appropriateness of assigning a technology cost to these requirements and invites the public to provide data related to the incremental annual costs

incurred by casinos associated with this retention of records.

(b)(4): 31 CFR 1021.410(b)(4) requires a record of each extension of credit in excess of \$2,500, the terms and conditions of each such extension of credit, and repayments, and the customer's name, address, and SSN. FinCEN notes an estimate provided as part of its PRA renewal for OMB control number 1506–0058 where an estimate of 50 average annual burden hours includes the recordkeeping burden associated with 31 CFR 1010.410(a), the incremental burden estimated in connection with 31 CFR 1021.410(b)(4) covers only: (1) the transactions greater than \$2,500 but less than or equal to the \$10,000 threshold that would trigger the same or similar recordkeeping requirements under 31 CFR 1010.410(a); and (2) the incremental additional transaction-specific information required to be recorded concerning repayments. Because FinCEN does not have access to transaction-level data that would establish the volume of credit extensions that occur in this range on an annual basis per casino, and because FinCEN believes repayment information would already be collected and retained by the casino in the ordinary course of business, it is assigning a one business day, or eight hour, burden on average to casinos in connection with (b)(4) recordkeeping requirements.

(b)(5): 31 CFR 1021.410(b)(5) requires a record of each advice, request, or instruction received or given by the casino with respect to a transaction involving a person, account, or place outside the United States. FinCEN notes an estimate provided as part of its PRA renewal for OMB control number 1506–0058 where an estimate of 50 average annual burden hours includes the recordkeeping burden associated with 31 CFR 1010.410(b) and (c), the incremental burden estimated in connection with 31 CFR 1021.410(b)(5) covers only the transactions less than or equal to the \$10,000 threshold that would trigger the same or similar recordkeeping requirements under 1010.410(b) or (c). FinCEN believes that due to the nature of casino activities involving international transfers or transactions, it is generally unlikely for these activities to occur as commonly in amounts below \$10,000. Therefore, as an incremental recordkeeping requirement, it is assigning a one business day, or eight-hour, burden on average to casinos in connection with (b)(5) recordkeeping requirements.

(b)(6)–(8): 31 CFR 1021.410(b)(6)–(8) require the retention of records generated by casinos that were

originally and primarily prepared for purposes other than satisfaction of AML/CFT obligations. These records are either prepared or received in the ordinary course of business ((b)(6)), required to be maintained by a casino under state and local laws or regulations, and regulations of any governing Indian tribe or tribal government ((b)(7)), or prepared or used by a casino to monitor a customer's gaming activity ((b)(8)). Because these records are neither produced nor maintained, in the first instance, for FinCEN, the incremental burden estimate assigned to them is zero hours.

However, FinCEN is mindful that in some cases, such records, though not prepared primarily for FinCEN purposes, may need to be preserved or maintained for longer periods of time to satisfy FinCEN recordkeeping obligations than they would be for the original purposes for which they were created. Thus, it is possible that certain technology costs may accrue related to the secure storage of data and information for the incremental period of time unique to FinCEN requirements. FinCEN is therefore soliciting comments on the appropriateness of assigning a technology cost to these requirements and invites the public to provide data related to the incremental annual costs incurred by casinos associated with this retention of records.

(b)(9): 31 CFR 1021.410(b)(9) requires a casino to maintain a separate record containing a list of each transaction between the casino and its customers involving certain instruments²² having a face value of \$3,000 or more. While FinCEN expects that these transactions would be recorded in the ordinary course of business and are, in most cases, likely to be recorded in an electronic format that could be readily queried, FinCEN recognizes that the requirement to maintain a separate record may entail both labor to prepare and review. It is therefore assigning an average annual estimate of two business days, or 16 hours, of incremental burden in connection with (b)(9) recordkeeping requirements.

(b)(10): 31 CFR 1021.410(b)(10) requires each casino to retain a copy of the casino's AML compliance program as described in 31 CFR 1021.210(b). Because the time burden of creating, retaining, and maintaining records associated with a casino's AML/CFT program requirements is already accounted for and renewed with the

²¹ 31 CFR 1021.410(b)(1) also states that if the person from whom the funds were received is a non-resident alien, the person's passport number or a description of some other government document used to verify the person's identity shall be obtained and recorded.

²² As discussed above, these are: (i) personal checks; (ii) business checks; (iii) official bank checks; (iv) cashier's checks; (v) third-party checks; (vi) promissory notes; (vii) traveler's checks; and (viii) money orders.

PRA renewal for OMB control number 1506–0051, FinCEN does not expect an additional incremental burden to accrue as a result of the requirements in this notice related to 31 CFR

1021.410(b)(10).²³

(b)(11): 31 CFR 1021.410(b)(11) establishes obligations specific and unique for a card club²⁴ to document records of all currency transactions by customers and to retain the original or a copy or reproduction of all currency transactions logs, multiple currency transaction logs, and cage control logs. FinCEN did not previously have a sufficiently reliable way to independently estimate the number of cash transactions conducted annually per card club or to establish what proportion of these were already maintained electronically. For these reasons, in the past, FinCEN relied upon an estimate of 1,000 transactions per year as the expected average number conducted at each of an estimated total of 215 card clubs, in total, and assessed a burden estimate of five minutes per expected transaction. FinCEN is revising its methodology in this notice based, in part, on its analysis of CTR filings by card clubs and further, in part, after a review of relevant market reports and consultation with federal compliance examiners regarding observed current market practices. At this time FinCEN believes there are approximately 281 card clubs currently operating that

would incur recordkeeping burdens in connection with an average of 2,000 cash transactions per year. Because recordkeeping is now predominantly conducted using digital technology in the ordinary course of business, FinCEN is reducing its incremental burden estimate per record to two minutes per transaction on average. FinCEN invites comments on the continuing reasonableness of its previous approach and on the likelihood that its changes in methodology more accurately reflect the cost profile of compliance associated with current practices.

(c) 31 CFR 1021.410(c)(1) and (2)

Pursuant to 31 CFR 1021.410(c)(1) and (2), casinos must retain records required to be maintained under 31 CFR 1010.410 and 31 CFR 1021.410 on computer disk, tape, or other machine-readable media in the same format as originally input, stored, or maintained for five years.²⁵ As noted above, FinCEN has historically had limited data with which to estimate the volume of transactions described in 31 CFR 1021.410 that are conducted annually by casinos. For that reason, in the past, FinCEN has generally estimated that the annual burden per casino to maintain such records in the format described in 31 CFR 1021.410(c)(1) and (2) is the same for all casinos: four hours.

In light of technological advancements, generally, since FinCEN

originally promulgated these requirements, this estimate is being revisited as the use of technology and electronic media for recordkeeping has become ubiquitous. In its latest PRA renewal of OMB control number 1506–0051, FinCEN recently solicited comment on its intent to reduce the previously assigned burden of compliance with 31 CFR 1021.210(b)(vi).²⁶ FinCEN did not receive any comments opposed to its proposed changes and is therefore adopting the same approach with its estimates in connection with 31 CFR 1021.410(c)(1) and (2), reducing the estimated incremental burden hours from four to zero.

However, FinCEN is mindful that in some cases, it is possible that certain technology costs may accrue related to the secure storage of data and information that are unrelated to the employment of human labor. FinCEN is therefore soliciting comments on the appropriateness of assigning a technology cost to the recordkeeping requirements of 31 CFR 1021.410(c)(1) and (2), and invites the public to provide data related to the incremental annual costs incurred by casinos associated with this retention of records.

FinCEN's estimate of the total annual PRA burden, therefore, is 118,863 hours, as detailed in table 2 below:

TABLE 2—ESTIMATED HOURLY BURDEN ASSOCIATED WITH THE RECORDKEEPING ACTIVITIES OF 31 CFR 1021.410

Recordkeeping requirement	Description	Number of respondents	Average hours per response	Average annual frequency	Annual burden hours
31 CFR 1021.410(a)	Maintain a record of the name, address, and SSN of each person who deposits funds, opens an account, or obtains a line of credit with the casino.	1,292	8	1	10,336
31 CFR 1021.410(a)	Verify the name and address of such person(s) at the time the deposit is made, the account is opened, or credit is extended.	1,292	1/30 (2 minutes) per reportable transaction.	1,000 (~4 per business day on average) ^a	43,067
31 CFR 1021.410(b)(1)	Maintain records of transactions described in 31 CFR 1021.410(a) when the person from whom the funds are received is not the same person already associated with the account.	1,292	1/60 (1 minute) per reportable transaction.	250 (~1 per business day on average) ^b	5,383
31 CFR 1021.410(b)(4)	Maintain a record of each extension of credit in excess of \$2,500, the terms and conditions of each such extension of credit, and repayments, and the customer's name, address, SSN.	1,292	8	1	10,336
31 CFR 1021.410(b)(5)	Maintain a record of each advice, request or instruction received or given by the casino with respect to a transaction involving a person, account, or place outside the United States.	1,292	8	1	10,336
31 CFR 1021.410(b)(9)	Maintain a record containing a list of each transaction between the casino and its customers involving certain instruments having a face value of \$3,000 or more.	1,292	16	1	20,672
31 CFR 1021.410(b)(11)	Document records of all cash transactions by customers	281	1/30 (2 minutes) per transaction.	2,000 (~8 per business day) ^c	18,733

²³ See FinCEN, *Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Anti-Money Laundering*

Program Requirements for Casinos, 89 FR 65977, 65979 footnote 22 (Aug. 13, 2024).

²⁴ See *supra* note 5.

²⁵ The records required to be maintained under 31 CFR 1021.410 are described in more detail above. See *supra* Section I.

²⁶ See *supra* note 12.

TABLE 2—ESTIMATED HOURLY BURDEN ASSOCIATED WITH THE RECORDKEEPING ACTIVITIES OF 31 CFR 1021.410—
Continued

Recordkeeping requirement	Description	Number of respondents	Average hours per response	Average annual frequency	Annual burden hours
31 CFR 1021.410(c)(1) and (2).	Casinos must record any of the records required to be maintained under 31 CFR 1010.410(b) on computer disk, tape, or other machine-readable media to retain those records in same format for five years.	1,292	0	NA	0
Total					118,863

^a In 2024, casinos and card clubs filed approximately 16,000 suspicious activity reports (SARs) mentioning deposits, lines of credit, or credit accounts. Assuming that these 16,000 reports represented 1% of the total transactions of this kind results in 1,600,000 total transactions, or approximately 5 per casino per business day. FinCEN assumes that most of these transactions (4 out of 5) will involve the account holder.

^b Ibid.

^c In 2024, card clubs filed approximately 120,000 currency transaction reports (CTRs), or approximately 427 per card club on average. Because CTRs are only required for transactions over \$10,000, and most customers conducting cash transactions will spend or win significantly less than this amount, FinCEN conservatively estimates that the true number is closer to 562,000, or 2,000 annual transactions per card club.

To estimate the costs associated with the annual PRA burden hours, FinCEN is utilizing the fully loaded composite hourly wage rate of \$120.07, or rounded to the nearest dollar, \$120.00.²⁷ The total estimated cost of the annual PRA burden is \$14,263,560, as reflected in table 3 below:

TABLE 3—TOTAL COST ASSOCIATED WITH THE RECORDKEEPING ACTIVITIES OF 31 CFR 1021.410

Regulatory requirement	Annual burden hours	Wage rate	Total cost
31 CFR 1021.410(a)	10,336	^a \$120	\$1,240,320
31 CFR 1021.410(b)(1)	43,067		5,168,040
31 CFR 1021.410(b)(4)	5,383		645,960
31 CFR 1021.410(b)(5)	10,336		1,240,320
31 CFR 1021.410(b)(9)	10,336		1,240,320
31 CFR 1021.410(b)(11)	20,672		2,480,640
31 CFR 1021.410(c)	18,733		2,247,960
31 CFR 1021.410(c)	0		0
Total cost			14,263,560

^a See footnote 27.

Estimated Number of Respondents: 1,292, as set out in table 1.

Estimated Total Annual Recordkeeping Burden: The estimated total annual PRA burden is 118,863 hours, as set out in table 2.

Estimated Total Annual Recordkeeping Cost: The estimated total annual PRA cost is \$14,263,560, as set out in table 3.

Under the PRA, FinCEN as a Federal 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. Records required to be retained under the BSA must be retained for five years.

Requests for Comment: 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.

*General Request for Comments—*Comments are invited on: (1) 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; (2) the accuracy of FinCEN's estimates of the burden of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; (4) 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 (5) estimates of capital or start-up costs and costs of operation,

maintenance, and purchase of services to provide information.

*Additional Requests for Comment—*In connection with a variety of initiatives FinCEN is undertaking to implement the AML Act, FinCEN intends to conduct, in the future, additional assessments of the PRA burden associated with BSA requirements. To assist with those activities, FinCEN is also requesting comments in response to the following additional questions:

(1) FinCEN estimates rely on certain interpretations and assumptions about how the incremental burden estimates for compliance obligations with casino recordkeeping requirements associated with OMB control number 1506–0054 are contextualized within the framework of a casino's other business activities, compliance obligations (for

²⁷ The wage rate applied here is a general composite hourly wage (\$85.55), scaled by a private-sector benefits factor of 1.42 (\$120.07 = \$85.55 × 1.42), that incorporates the mean wage data (available for download at <https://www.bls.gov/oos/tables.htm>, "May 2023—National industry-specific and by ownership") associated with the six occupational codes (11–1010: Chief Executives; 11–3021: Computer and Information Systems

Managers; 11–3031: Financial Managers; 13–1041: Compliance Officers; 23–1010: Lawyers and Judicial Law Clerks; 43–3099: Financial Clerks, All Other) for each of the nine groupings of NAICS industry codes that FinCEN determined are most directly comparable to its eleven categories of covered financial institutions as delineated in 31 CFR parts 1020 to 1030. The benefit factor is 1 plus the benefit/wages ratio, where as of June 2023, Total

Benefits = 29.4 and Wages and salaries = 70.6 (29.4/70.6 = 0.42) based on the private industry workers series data downloaded from https://www.bls.gov/news.release/archives/eccec_09122023.pdf, accessed December 22, 2024. Given that many occupations provide benefits beyond cash wages (e.g., insurance, paid leave, etc.), the private sector benefit is applied to reflect the total cost to the employer.

other regulating bodies and agencies), and other FinCEN requirements. Are there concerns, errors, misunderstanding of current business practices, or missing data, that if brought to FinCEN's attention might further improve the accuracy of these estimates?

(2) FinCEN recognizes that, in general, the population of covered casinos and card clubs is highly heterogeneous and that an estimated average therefore may not represent the actual recordkeeping costs incurred by any one specific casino or card club. To what extent are the costs associated with a casino's recordkeeping requirements fixed versus variable? Does this differ for casinos and card clubs? Does the incremental burden of FinCEN requirements vary substantially by state or by other regulating bodies?

(3) To more appropriately tailor its burden estimates to the actual business practices and accompanying costs of specific types or size cohorts of casinos or card clubs, FinCEN is requesting data, studies, and qualitative information (including anecdotal evidence) that would facilitate estimates that are better tailored to the elements of burden that vary by establishment size or other identifiable attributes.

(4) Certain elements of the recordkeeping burden assigned to 31 CFR 1021.410 are estimated as a function of time spent by casino staff on recordkeeping activities and are estimated independently of the differences in volume of transactions occurring at casinos or card clubs. This is because FinCEN anticipates the primary incremental burden for some of

these elements to be attributable to collating and reviewing records that are already maintained for other business purposes. To what extent are these estimated burdens consistent with the work performed as part of a casino's compliance with FinCEN requirements? To what extent is the time burden of compliance with FinCEN recordkeeping requirements distinguishable from other business activities?

(5) Per casino, how many persons deposit funds, open an account, or obtain a line of credit with a casino on an annual basis? How substantial are differences in this number when considering the variation in casinos by size, geographic location, or types of games, gambling, or betting offered?

(6) How often, or in what proportion of covered transactions, does a casino receive funds for credit to or deposit into a person's account from a person other than the named person on the account?

(7) Are there incremental technology costs that should be considered as part of the compliance burden with 31 CFR 1021.410(b)(2) and (b)(3)? Does any portion of these costs vary by transaction volume?

(8) Are there incremental technology costs that should be considered as part of the compliance burden with 31 CFR 1021.410(b)(6)–(8)? Does any portion of these costs vary by transaction volume?

(9) FinCEN is requesting information that would inform updates to its estimate of the recordkeeping burden associated with 31 CFR 1021.410(b)(11). To what extent do records continue to be generated, maintained, and preserved on paper? Are there exemplary

counterexamples of recordkeeping activities that have not already been converted to electronic processes and formats? Given any changes in recordkeeping technology, are there any remaining instances where FinCEN's historical burden estimate of five minutes per record is still more applicable?

(10) Are there incremental technology costs that should be considered as part of the compliance burden with 31 CFR 1021.410(c)(1) and (2)? Does any portion of these costs vary by transaction volume?

(11) How often, and in what ways, are third party service providers involved in the reporting and recordkeeping activities covered by this control number? What are the costs associated with those products or services? Are these distinct from, or included in, products or services that facilitate casino and card club compliance with other AML/CFT program requirements? If so, please describe.

(12) Do casinos conduct annual compliance training specifically related to these requirements either modularly or as part of the annual training requirements under their AML/CFT programs? If so, please describe the time allotted to such training specific to these recordkeeping requirements, the number or proportion of staff trained, and the primary job titles or descriptions of staff that are trained.

Andrea M. Gacki,

Director, Financial Crimes Enforcement Network.

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Part II

Office of Personnel Management

5 CFR Parts 210, 212, 213, et al.

Improving Performance, Accountability and Responsiveness in the Civil Service; Proposed Rule

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 210, 212, 213, 302, 432,
451, and 752

[Docket ID: OPM–2025–0004]

RIN 3206–AO80

Improving Performance, Accountability and Responsiveness in the Civil Service

AGENCY: Office of Personnel
Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is proposing a rule to increase career employee accountability. Agency supervisors report great difficulty removing employees for poor performance or misconduct. The proposed rule lets policy-influencing positions be moved into Schedule Policy/Career. These positions will remain career jobs filled on a nonpartisan basis. Yet they will be at-will positions excepted from adverse action procedures or appeals. This will allow agencies to quickly remove employees from critical positions who engage in misconduct, perform poorly, or undermine the democratic process by intentionally subverting Presidential directives.

DATES: Comments must be received on or before May 23, 2025.

ADDRESSES: You may submit comments, identified by the docket number or Regulation Identifier Number (RIN) for this proposed rulemaking, by the following method:

Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for sending comments.

All submissions must include the agency name and docket number or RIN for this rulemaking. Please arrange and identify your comments on the regulatory text by subpart and section number; if your comments relate to the supplementary information, please refer to the heading and page number. All comments received will be posted without change, including any personal information provided. To ensure that your comments will be considered, you must submit them within the specified open comment period. Before finalizing this rule, OPM will consider all comments within the scope of the regulations received on or before the closing date for comments. OPM may make changes to the final rule after considering the comments received.

As required by 5 U.S.C. 553(b)(4), a summary of this rule may be found in

the docket for this rulemaking at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Noah Peters, Senior Advisor to the Director, by email at employeeaccountability@opm.gov or by phone at (202) 606–2930.

SUPPLEMENTARY INFORMATION:

OPM proposes this rule to strengthen employee accountability and the democratic responsiveness of American government, while addressing longstanding performance management challenges in the Federal workforce. Chapter 75 of title 5, United States Code (chapter 75) requires most agencies¹ to follow specific procedures to take “adverse actions” against employees for misconduct or poor performance—these actions include principally removals, suspensions, or reductions in pay or grade.² Most agencies take performance-based adverse actions following procedures set forth in chapter 43 of title 5 (chapter 43).³ Whether taken under chapter 75 or chapter 43 procedures, employees can appeal such adverse or performance-based actions to the Merit Systems Protection Board (MSPB) and, if unsuccessful, to the Federal Circuit Court of Appeals.⁴

As described below, decades of experience have shown that chapter 43 and 75 procedures make it very difficult for agencies to hold employees accountable for their performance or conduct. The processes are time-consuming and difficult, and removals are not infrequently subject to a protracted appeal process with an uncertain outcome. Surveys show few agency supervisors believe they could dismiss subordinates for serious misconduct or unacceptable performance. This dynamic undermines Federal merit system principles, which call for employees to maintain high standards of conduct and for agencies to separate employees who cannot or will not improve their performance to meet required standards.⁵

The adverse action procedures and appeals that make it difficult for agency leadership to hold employees accountable also empower career employees to insert partisan or personal preferences into their official duties. While most Federal employees nonetheless faithfully perform their jobs, some do not. As discussed in greater detail later in this proposed

rulemaking, it is well documented that many career federal employees use their positions to advance their personal political or policy preferences instead of implementing the elected President’s agenda. Such behavior undermines democracy, as it enables government power to be wielded without accountability to the voters or their elected representatives.

On October 21, 2020, President Donald J. Trump addressed these challenges with Executive Order 13957, “Creating Schedule F in the Excepted Service.”⁶ Title 5 generally authorizes the President or OPM to exclude employees in excepted service positions of a “confidential, policy-determining, policy-making, or policy-advocating character” (hereafter “policy-influencing positions”) from chapter 75 procedural requirements and MSPB appeals.⁷ Chapter 43 also authorizes OPM to exclude excepted service positions from its procedural requirements and concomitant MSPB appeals.⁸ Executive Order 13957 used this authority to create a new Schedule F in the excepted service for policy-influencing career employees. The order required nonpartisan appointments to and removals from Schedule F; these positions remained career appointments filled based on merit and not political affiliation.⁹ However, chapter 43 and 75 procedural requirements and appeals would no longer apply. This would enable agencies to expeditiously remove career employees in policy-influencing positions for poor performance or misconduct, such as corruption or for injecting partisanship into the performance of their official duties.

Executive Order 13957 recognized the value of a nonpartisan merit service that develops and maintains institutional knowledge and experience. It strengthened the merit service by giving agencies the tools necessary to hold policy-influencing employees accountable when they fail to uphold high standards of conduct and performance.

On January 22, 2021, President Joseph Biden issued Executive Order 14003, which abolished Schedule F before any positions were transferred into it.¹⁰ In April 2024 OPM issued a final rule (hereinafter the “April 2024 final rule”) amending the civil service regulations to (1) define policy-influencing positions to encompass only political appointments and have no applicability

¹ Chapter 75 does not apply to all employees or all agencies. See 5 U.S.C. 7511(b).

² See 5 U.S.C. 7512, 7513.

³ 5 U.S.C. 4303. Chapter 43 does not apply to all employees or all agencies. See 5 U.S.C. 4301.

⁴ See 5 U.S.C. 7701, 7703.

⁵ 5 U.S.C. 2301(b).

⁶ 85 FR 67631 (Oct. 26, 2020).

⁷ 5 U.S.C. 7511(b)(2).

⁸ 5 U.S.C. 4301(2)(G).

⁹ E.O. 13957, sec. 6.

¹⁰ 86 FR 7231 (Jan. 27, 2021).

to career Federal positions; (2) establish comprehensive procedures, including MSPB appeals, governing the transfer of positions to policy-influencing schedules in the excepted service; and (3) provide that any career incumbents moved into such policy-influencing excepted service schedules would remain subject to adverse actions procedural requirements and retain adverse action appeals.¹¹

On the first day of his second term President Trump signed Executive Order 14171 on “Restoring Accountability to Policy-Influencing Positions within the Federal Workforce.”¹² As described below, until the 1960s the general Federal workforce could not appeal adverse actions. Executive Order 14171 used an express grant of statutory authority to return policy-influencing positions to this historical baseline. To this end, Executive Order 14171 created a new Schedule Policy/Career in the excepted service for policy-influencing positions and made several related modifications to the civil service rules. Under the order Schedule Policy/Career positions remain career positions, filled on a nonpartisan basis using standard career employee hiring procedures. At the same time, employees in such positions will serve at-will and will not be covered by chapter 43 or 75 procedures. This will enable the President and his appointed agency heads to hold Schedule Policy/Career employees meaningfully accountable for their performance and conduct.

The OPM Director is generally charged with executing, administering, and enforcing the civil service rules and regulations of the President and the laws governing the civil service. Accordingly, OPM proposes this rule to strengthen employee accountability and implement Executive Order 14171. OPM proposes amending its regulations in 5 CFR chapter I, subchapter B, as follows:

1. Amending 5 CFR part 213 (Excepted Service) to include Schedule Policy/Career as an excepted service schedule for policy-influencing career positions, while clarifying that Schedule C appointments are exclusively for noncareer (*i.e.*, political) appointments with policy responsibilities. The proposed regulations further clarify that employees filling excepted service positions are in the excepted service, regardless of whether they retain competitive status, and lists increasing accountability to the President as grounds for excepting positions from the competitive service.

2. Amending 5 CFR part 212 (Competitive Service and Competitive Status) to provide that employees with competitive status whose positions are subsequently listed in the excepted service or who are involuntarily transferred into an excepted service position retain competitive status but do not remain in the competitive service while in the excepted position.

3. Amending 5 CFR part 752 (Adverse Actions) to remove the amendments made by the April 2024 final rule and provide that individuals whose positions are reclassified into or who are otherwise transferred into Schedule Policy/Career are not covered by chapter 75 procedural requirements or adverse actions appeals. Additionally, OPM proposes to amend 5 CFR part 752 to remove language pertaining to 10 U.S.C. 1599e, which provided for a 2-year probationary period in the Department of Defense. This language has become obsolete as section 1599e was repealed, effective December 31, 2022, by Public Law 117–81, Sec. 1106(a)(1). The proposed rule further amends 5 CFR part 432 (Performance Based Reduction in Grade and Removal Actions) to remove the amendments made by the April 2024 final rule and to exclude all policy-influencing positions in the excepted service from chapter 43 procedural requirements for performance-based removals.

4. Amending 5 CFR part 210 (Basic Concepts and Definitions (General)) to remove the amendments made by the April 2024 final rule stating that policy-influencing positions are exclusively associated with noncareer political appointments. The proposed rule also amends 5 CFR 213.3301 and 451.302 to conform to the rescission of these definitions.

5. Amending 5 CFR part 302 to remove the amendments made by the April 2024 final rule imposing procedural requirements on movements of positions or employees into policy-influencing excepted service positions (including subsequent MSPB appeals). The proposed regulations also provide that moving or transferring positions into Schedule Policy/Career will not change how appointments to those positions are made. Positions moved from the competitive service will be filled using competitive hiring procedures and employees so appointed may acquire competitive status. Positions moved from the excepted service will continue to be filled using the procedures that applied to their prior excepted service schedule.

As further detailed below, this rulemaking will promote Federal employee accountability and strengthen

American democracy while addressing performance management challenges and issues with misconduct within the Federal workforce. It will give agencies the practical ability to separate employees who insert partisanship into their official duties, engage in corruption, or otherwise fail to uphold merit principles. OPM may set forth policies, procedures, standards, and supplementary guidance for the implementation of any final rule.

I. Background

A. History of the Civil Service and Removal Restrictions

Beginning with the Administration of George Washington, the appointment—subject to the advice and consent of the Senate where appropriate—and removal of federal officers occurred at the President’s discretion by virtue of Article II of the Constitution. Washington appointed Federalists friendly to the new form of government. Subsequent presidents made appointments and removals to advance their agendas.

However, over the course of the Nineteenth Century, presidents began to lose control of the appointment and removal process due to the rise of the patronage system. By the 1880s appointments to positions in the executive branch were predominantly made based on political connections, typically as a reward for loyal supporters of the party in power. Members of Congress and local party machines would use their influence with the President to get their preferred candidate’s Federal appointments. The patronage system began showing strain as the Federal Government expanded rapidly after the Civil War. The Federal civilian workforce nearly doubled in size between 1871 and 1881, from 51,000 to 100,000 employees.¹³ The expanded scale made monitoring and managing patronage employees harder for both the President and his Congressional allies. Elected officials spent a significant proportion of their time arranging patronage appointments; future President James Garfield estimated a third of Congress members’ waking hours were spent on such tasks. At the same time, the President spent an inordinate amount of time as a “position broker,” handing out many jobs under great political pressure.¹⁴

¹³ Ronald N. Johnson and Gary D. Libecap, “The Federal Civil Service and the Problem of Bureaucracy,” University of Chicago Press, (1994), p. 17. <https://www.nber.org/system/files/chapters/c8633/c8633.pdf>.

¹⁴ *Id.* at 18.

¹¹ See 89 FR 24982 (Apr. 9, 2024).

¹² 90 FR 8625 (Jan. 31, 2025).

These time demands also meant that patronage appointees became subject to little scrutiny once in office. They often provided poor services that frustrated the President, members of Congress, and the voting public. For example, in the increasingly commercialized U.S. economy of the late 19th Century, businesses needed a well-functioning postal system for shipments and customhouses for imports. They saw how the spoils system often prevented the Government from providing these services reliably; perhaps unsurprisingly a majority of civil service reform association members came from business organizations.¹⁵ Patronage also focused Federal appointees' attention on the local concerns of party machines instead of the national concerns of the President and Congress.¹⁶ By the 1880s, the President and Congress had concluded that the costs of the spoils system outweighed its benefits, and that in many cases patronage appointments made advancing their agendas harder.¹⁷ The final straw was the assassination of President James Garfield by a disappointed office seeker.

This dynamic led Congress to pass, and President Chester A. Arthur to sign, the Pendleton Act of 1883.¹⁸ The Pendleton Act established the classified service—what is today known as the competitive service. Appointments to classified positions were to be made based on merit, assessed through competitive examinations. Executive branch officials could not consider campaign contributions or “political service” in appointments to or removals from classified positions.¹⁹ The Pendleton Act also established the Civil Service Commission (CSC) to help implement and enforce its requirements.

When the Pendleton Act became law, President Arthur placed approximately one-tenth of the Federal workforce into the classified service, including half of positions in the postal service and three-quarters of positions in customhouses.²⁰ The civil service expanded rapidly under subsequent administrations, covering just under half of the Federal workforce by 1896.²¹

Though the Pendleton Act extensively regulated the process of filling classified positions, employees in the new civil service remained at-will. While the law prohibited executive branch officials from dismissing classified employees because they declined to render political services, they otherwise served at the pleasure of the President.²² Civil service employees also had no right to appeal or otherwise contest removals. Instead, the Pendleton Act was enforced through penalties on officials who violated its requirements.

The reformers who created the Pendleton Act made a conscious decision to keep the civil service at-will. They wanted to create a merit system that would provide high-quality services; they feared that cumbersome removal protections would entrench poor performers. Civil service reformers saw little risk of patronage-based dismissals as long as civil service hiring forbid rewarding campaign supporters with new appointments.²³ George William Curtis, the president of the National Civil Service Reform League who helped draft the Pendleton Act and secure its passage, explained:

[I]t is better to take the risk of occasional injustice from passion and prejudice, which no law or regulation can control, than to seal up incompetency, negligence, insubordination, insolence, and every other mischief in the service, by requiring a virtual trial at law before an unfit or incapable clerk can be removed.²⁴

In other words, “if the front door [is] properly tended, the back door [will] take care of itself.”²⁵ Reflecting this contemporaneous understanding of the law, President Benjamin Harrison’s CSC “refused to construe the Civil Service Act of 1883 as imposing any limits on the president’s removal power and disclaimed any authority to investigate removals aside from those for failure to pay political assessments.”²⁶

The CSC requested an Executive Order requiring officials to formally memorialize the reasons for dismissing civil service employees. The CSC believed this would further discourage covert patronage-based removals. President William McKinley

subsequently issued Executive Order 101 on July 27, 1897. This order provided that “No removal shall be made from any position subject to competitive examination except for just cause and upon written charges filed with the head of the Department, or other appointing officer, and of which the accused shall have full notice and an opportunity to make defense.”²⁷ The CSC became concerned that some were construing Executive Order 101’s “just cause” requirement to mandate the equivalent of a trial to dismiss civil service employees. The Commission believed this “would give a performance of tenure in the public service quite inconsistent with the efficiency of that service.”²⁸ The CSC therefore asked President Theodore Roosevelt to issue an executive order clarifying that “just cause” meant any legitimate, non-political reason, and that trials were unnecessary.²⁹ President Roosevelt did so on May 29, 1902, by issuing Executive Order 173. That order provided that “just cause” means any cause, other than political or religious, that promotes the efficiency of the service, and trials or hearings were not required to dismiss an employee.

President William Howard Taft issued Executive Order 1471 in February 1912 reaffirming and restating the prior McKinley and Roosevelt orders. Congress subsequently codified Executive Order 1471 as the Lloyd-La Follette Act of 1912.³⁰ The Lloyd-La Follette Act mandated that “no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal.”³¹ The next year the CSC explained the policy governing civil service dismissals:

The rules are not framed on a theory of life tenure, fixed permanence, nor vested right in office. It is recognized that subordination and discipline are essential, and that therefore dismissal for just cause shall be not unduly hampered. The rules have at all times left the power of removal as free as possible, providing restraints only to ensure its proper exercise . . . Appointing officers, therefore, are entirely free to make removals for any reasons relating to the interests of good administration, and they are made the final judges of the sufficiency of the reasons. No examination of witnesses or any trial or hearing is required . . . The rule is merely intended to prevent removals upon secret charges and to stop political pressure for removals . . . No tenure of office is created

¹⁵ *Id.* at 19.

¹⁶ *Id.* at 22–24.

¹⁷ *Id.* at 25–41.

¹⁸ Public Law 16; Civil Service Act of 1883, (Jan. 16, 1883) (22 Stat. 403).

¹⁹ *Id.* at sec. 2, fifth.

²⁰ George F. Howe, “Chester A. Arthur, A Quarter-Century of Machine Politics,” F. Ungar Publishing Co. (1966) [1935], pp. 209–210.

²¹ See Gerald E. Frug, “Does the Constitution Prevent the Discharge of Civil Service Employees,” U. Pa. L. Rev., 124, at 955–966. https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=4997&context=penn_law_review.

²² Classified employees’ status under the Pendleton Act was similar to most private sector workers today. Businesses today cannot fire workers for certain discriminatory reasons, such as race or religion, but employees otherwise serve at the pleasure of their employer.

²³ P.P. Van Riper, “History of the United States Civil Service,” Row, Peterson & Co. (1958), p. 102.

²⁴ See Frug, *supra* note 21, at 955.

²⁵ See P.P. Van Riper, *supra* note 25, at 102.

²⁶ S. Calabresi & C. Yoo, The Unitary Executive: Presidential Power from Washington to Bush (2008), p. 221 (citing 9 U.S. Civ. Serv. Comm’n Ann. Rep. 77 (1892)).

²⁷ E.O. 101, July 27, 1897.

²⁸ U.S. Civil Service Commission Annual Report (1902), p. 18.

²⁹ *Id.* at 19.

³⁰ 37 Stat. 555 (1912).

³¹ *Id.*

except that based upon efficiency and good behavior.³²

The Lloyd-La Follette Act and its predecessor executive orders did not give classified civil service employees tenure. They instead imposed procedural requirements to prevent merely political or religiously-motivated removals. Agencies remained the sole judge of employee conduct and performance.

For the first six decades of the merit service employees could not appeal removals. That only began to change during the Second World War. The Veterans Preference Act (VPA) of 1944 gave veterans significant hiring preferences for Federal jobs.³³ It also provided that veterans—including those in the excepted service—could be dismissed only to promote the efficiency of the service and allowed veterans to appeal adverse actions to the CSC. The congressional record on this provision is scarce, but commentators have suggested it was motivated by concerns that agencies would honor veteran hiring procedures on the front end, only to pretextually dismiss veterans on the back end.³⁴ In 1948, Congress amended the law to make CSC appeals binding on agencies.³⁵ These amendments gave preference-eligible veterans the ability to appeal removals outside their agency.

Until the 1950s, courts would entertain procedural challenges to civil service removals, overturning them where agencies did not follow Lloyd-La Follette procedures. But courts generally avoided examining the substance of removal actions.³⁶ A significant precedent was established in 1954 when the D.C. Circuit Court of Appeals decided *Roth v. Brownell*.³⁷ The plaintiff, Roth, had been hired into a competitive service position in the Department of Justice (DOJ). President Truman subsequently moved his position into Schedule A of the excepted service. In 1953 President Eisenhower moved Roth's position into the then-newly created Schedule C and shortly thereafter dismissed him. Roth was not a veteran and could not appeal to the CSC. He instead filed suit in federal court, arguing that DOJ had failed to follow Lloyd-La Follette procedures before removing him.

Analyzing the text of the Lloyd-La Follette Act, the D.C. Circuit agreed. The

law provided that “[n]o person in the classified civil service of the United States shall be removed or suspended without pay therefrom except for such cause as will promote the efficiency of such service and for reasons given in writing.”³⁸ The court explained that Roth was either removed from the civil service in 1947—when his position was moved into Schedule A—or in 1953, when he was dismissed. Without deciding which action removed him from the civil service, the court ordered his discharge reversed because Lloyd-La Follette procedures had not been followed in either case.³⁹ Roth thus held that Lloyd-La Follette procedures must be followed to take employees out of the competitive service—either through a discharge or through moving the position into the excepted service.

Notably, Roth did not allow employees to contest the substance of removals—only whether proper procedures were followed. The D.C. Circuit subsequently clarified that agencies could dismiss employees from confidential or policy-making positions based purely on loss of confidence. In *Leonard v. Douglas* (1963) the D.C. Circuit concluded that removing an employee from a policy-making position because his superiors did not find him suitable to advance their policies promoted “the efficiency of the service” and was therefore lawful.⁴⁰ While the Lloyd-La Follette Act and Veterans Preference Act imposed procedural requirements on removals, agencies generally retained broad authority to dismiss employees for non-discriminatory reasons. Those reasons included removing employees from policy-influencing positions based purely on the belief they would not effectively advance the President's policies.

In the 1950s the courts began to permit limited judicial examination of the substance of removals. In a series of cases, the Supreme Court held that the Due Process clause of the 14th Amendment prohibited the government from dismissing employees for exercising constitutionally protected rights when those activities were unrelated to their job duties.⁴¹

Consequently, until the 1960s agencies had to follow statutory procedures to dismiss employees, but they could broadly remove employees for any work-related grounds. These grounds included loss of confidence in an employee in a policy-making position. The procedural requirements—notice and an opportunity to respond, followed by a written explanation of the reason for removal—were also modest. For the general Federal workforce, agencies were also the final judge of whether cause existed for dismissal. The Lloyd-La Follette Act was neither interpreted nor applied to give employees a right to their jobs. Courts would rarely evaluate the substance of adverse actions, except if they occurred in response to employees exercising their constitutional rights.

This changed in the 1960s and 1970s. In 1962 President Kennedy's Executive Order 10987 required agencies to create internal procedures for non-veterans to appeal adverse actions.⁴² President Richard Nixon's Executive Orders 11491 and 11787 transferred these internal appeals to the CSC, aligning the process for veterans and non-veterans.⁴³ The Supreme Court also dramatically changed the legal landscape in *Arnett v. Kennedy* (1974).⁴⁴ In that case the Supreme Court held that a federal employee has a constitutional due process interest in continued federal employment. *Arnett* made constitutional due process challenges generally applicable to civil service removals, not just when employees were fired for exercising constitutional rights.

Congress legislated against this backdrop when it passed the Civil Service Reform Act of 1978 (CSRA).⁴⁵ The CSRA replaced the Lloyd-La Follette Act, VPA, executive orders, and private rights of action in Federal court with a new unified framework governing adverse actions and subsequent appeals. President Jimmy Carter explained the law was meant “to bring efficiency and accountability to the Federal Government.”⁴⁶

(1968) (School board cannot terminate a teacher for writing a letter to the editor critical of Board policies). OPM notes that none of these cases examined federal employees or considered Article II's vesting of the executive power in the President.

⁴² 27 FR 550 (Jan. 17, 1962).

⁴³ 34 FR 17605 (Oct. 29, 1969), 39 FR 20675 (June 13, 1974).

⁴⁴ 416 U.S. 134.

⁴⁵ 92 Stat. 1111; Public Law 95–454 (Oct. 13, 1978).

⁴⁶ James Carter, “Statement on Signing S. 2640 Into Law,” Oct. 13, 1978. <https://www.presidency.ucsb.edu/documents/civil-service-reform-act-1978-statement-signing-s-2640-into-law>.

³² U.S. Civil Service Commission Annual Report (1913), pp. 21–22.

³³ 58 Stat. 387 (1944).

³⁴ Frug, *supra* note 21, at 959–960.

³⁵ 62 Stat. 575 (1948).

³⁶ Frug, *supra* note 21, at 70, n. 134.

³⁷ 215 F.2d 500 (D.C. Cir. 1954), *cert. denied sub nom, Brownell v. Roth*, 348 U.S. 863 (1954).

³⁸ 37 Stat. 555 (1912).

³⁹ *Roth v. Brownell*, 215 F.2d 500, 502 (D.C. Cir. 1954).

⁴⁰ *Leonard v. Douglas*, 321 F.2d 749, 751–753 (D.C. Cir. 1963).

⁴¹ See *Wieman v. Updegraff*, 344 U.S. 183 (1952) (overturning Oklahoma law forbidding state employees from associating with certain organizations); *Slochower v. Board of Education*, 350 U.S. 551 (1956) (overturning New York City law requiring termination of employees who invoke the 5th Amendment right to avoid self-incrimination); *Pickering v. Board of Education*, 391 U.S. 563

The CSRA maintained prohibitions on patronage and restricted adverse actions in some respects. For example, the CSRA gave non-preference eligible employees in the competitive service the same right to appeal demotions that preference eligible employees possessed.^{47 48} The CSRA also expanded preference-eligible employees' ability to appeal suspensions. Under the VPA preference-eligible employees could appeal suspensions of greater than 30 days. The CSRA allowed appeals of suspensions of more than 14 days.⁴⁹

In other ways, the CSRA made taking adverse actions easier. It created chapter 43, intended to be a faster process for removing poor performers.⁵⁰ It further prevented Federal employees from directly challenging removals in Federal district court. The CSRA instead channeled adverse action appeals to the MSPB, with judicial review of the MSPB rulings. Congress subsequently transferred most appeals of MSPB decisions to the Federal Circuit Court of Appeals when it created that court in 1982.⁵¹ This was intended to create a uniform body of procedures and case law governing the Federal workforce. The CSRA also repealed Lloyd-La Follette provisions governing removal from the competitive service, replacing it with a new unified framework of adverse action appeals for both competitive service employees and excepted service preference-eligibles. The CSRA thus removed from Federal law the language the D.C. Circuit interpreted in *Roth*.

The CSRA originally excluded from chapter 75 adverse action procedures excepted service employees who were not preference eligibles. Chapter 75 also excluded any excepted service employees—preference eligible or not—whose positions the President, OPM, or an agency head, as applicable, determined had a policy-influencing character.⁵²

In *United States v. Fausto* (1988), the Supreme Court held that employees statutorily excluded from chapter 75 could not contest removals in Federal district court.⁵³ The Court explained that the CSRA created a comprehensive review system for adverse actions;

exclusion from CSRA coverage meant employees could not appeal adverse actions elsewhere. Shortly thereafter, Congress passed the Civil Service Due Process Amendments Act of 1990.⁵⁴ This law, which remains in effect, amended the CSRA by extending chapter 75 to generally cover excepted service employees—preference eligible or not—after an initial trial period. At the same time, Congress retained the exclusion for excepted service employees in policy-influencing positions.⁵⁵

To summarize, the Pendleton Act of 1883 did not substantively limit the ability of agencies to remove employees for non-political reasons. Nor did subsequent executive orders or the Lloyd-La Follette Act. They instead required agencies to follow procedural steps and document the basis for their actions, but agencies remained the final judge of the reasons for dismissal. For the first six decades of the merit service employees could not appeal removals outside their agency.

Adverse action appeals began in the 1940s and were initially limited to preference eligible employees. Only in the 1960s did executive orders extend dismissal appeals to the broader Federal workforce. In the 1970s, the Supreme Court construed the Lloyd-La Follette Act to give civil service employees a property interest in their jobs, thus requiring constitutional due process before removals. The Civil Service Reform Act of 1978 reorganized and codified these procedures, creating the civil service framework that remains in effect today. The CSRA and the subsequent Due Process Amendments Act also authorized OPM and the President to exempt employees in policy-influencing positions from chapter 75 adverse action procedures and appeals.

B. Executive Orders 13957, 14003, 14171, and the Prior OPM Rulemaking

President Donald Trump issued Executive Order 13957 creating “Schedule F” in October 2020. As previously discussed, chapter 75 adverse action procedures do not cover employees in excepted service positions that the President, OPM, or an agency head have determined are policy-influencing.⁵⁶ Prior administrations had only applied this exemption only to political appointments, principally positions in Schedule C of the excepted

service.⁵⁷ Executive Order 13957 created a new Schedule F (following the pre-existing schedules A through E) for career employees in policy-influencing positions.⁵⁸

Schedule F applied to policy-influencing positions “not normally subject to changes as a result of a Presidential transition.”⁵⁹ Executive Order 13957 set up a process for agencies to review their workforce, identify such policy-influencing career positions, and ask OPM to move them into Schedule F. The order provided guideposts for that analysis, identifying positions such as regulation writers or officials in agency policy offices as likely belonging in Schedule F.⁶⁰ Under 5 U.S.C. 7511(b)(2), any career positions moved into Schedule F would be excluded from chapter 75 adverse action procedures and their associated MSPB appeals.

At the same time, Schedule F positions remained career jobs filled based on merit, not political connections. Any positions filled with the involvement of the White House Office of Presidential Personnel—the White House office responsible for selecting political appointees—could not go in Schedule F.⁶¹ Executive Order 13957 also prohibited hiring or firing Schedule F employees based on their political affiliation or for other discriminatory reasons. It further required agencies to establish internal procedures to ensure compliance with this directive.⁶² Executive Order 13957 put policy-influencing career Federal employees in the same position as most private sector workers, generally serving at-will but protected from discriminatory removals.

The order explained that these changes were necessary to enable agencies to more effectively address poor performance. It cited findings from the MSPB’s Merit Principles Survey that less than a quarter of Federal employees believe their agency addresses poor performers effectively. Executive Order 13957 explained that poor performance in policy-influencing positions is especially problematic, as it can affect the performance of the entire agency.⁶³ The order also explained that competitive hiring procedures do not provide enough flexibility to select applicants with the necessary intangible qualities for these important positions,

⁴⁷ 5 U.S.C. 7512.

⁴⁸ The Veterans Preference Act required agencies to follow adverse action procedures before reducing a preference-eligible veteran’s pay or grade, whether the veteran was in the competitive or excepted service. This requirement did not apply to non-preference eligibles.

⁴⁹ 5 U.S.C. 7512.

⁵⁰ See 5 U.S.C. ch. 43.

⁵¹ See 5 U.S.C. ch. 77.

⁵² 5 U.S.C. 7511(b).

⁵³ 484 U.S. 439.

⁵⁴ Public Law 101–376, 104 Stat. 461, H.R. 3086 (Aug. 17, 1990).

⁵⁵ 5 U.S.C. 7511(b)(2).

⁵⁶ 5 U.S.C. 7511(b)(2).

⁵⁷ 5 CFR 6.2.

⁵⁸ Executive Order 13957, 85 FR 67631 (Oct. 26, 2020).

⁵⁹ E.O. 13957, sec. 3.

⁶⁰ *Id.* sec. 5.

⁶¹ *Id.* sec. 2.

⁶² *Id.* sec. 6.

⁶³ *Id.* sec. 1.

such as sound judgment, acumen, or impartiality.⁶⁴

Schedule F also came in the context of widespread reports of career staff “resistance” to Trump Administration policies.⁶⁵ While Schedule F employees would not be dismissed based on their personal beliefs, agencies could swiftly dismiss any who did not perform their duties in a nonpartisan manner. However, no agencies moved positions into Schedule F before President Trump left office.⁶⁶

1. Executive Order 14003 and OPM Rulemaking

Shortly after taking office President Biden issued Executive Order 14003 revoking Executive Order 13957 and abolishing Schedule F.⁶⁷ Executive Order 14003 described Schedule F as “undermin[ing] the foundations of the civil service and its merit system principles, which were essential to the Pendleton Civil Service Reform Act of 1883’s repudiation of the spoils system” and that it was necessary to “rebuild the career Federal workforce.”⁶⁸

This analysis ignored the fact that Schedule F gave employees stronger removal protections than the Pendleton Act did.⁶⁹ It also ignored the fact that the Federal Employee Viewpoint Survey (FEVS) showed career Federal employee job satisfaction rising throughout the first Trump Administration, reaching a record high of 72 percent in 2020.⁷⁰ Based on their survey responses, Federal employees did not feel their workforces needed rebuilding.

During the 2024 election cycle President Trump announced plans to

reissue Executive Order 13957 if re-elected.⁷¹ Under the Biden Administration, OPM proposed, and in April 2024 finalized, new regulations related to the order.⁷² The April 2024 final regulations had three principal components. First, OPM used presidential authority delegated under 5 U.S.C. 3301, 3302, and Executive Order 10577 to regulatorily define the phrases “confidential, policy-determining, policy-making or policy-advocating” and “confidential or policy-determining” to refer exclusively to political appointments, with no application to career employees.

Second, OPM used those same delegated presidential authorities to add a new subpart F to 5 CFR part 302. Subpart F prescribed mandatory procedures for transferring positions into the excepted service, or into a new excepted service schedule. Subpart F also required agencies notify employees that involuntary movements or transfers into a policy-influencing position would not affect their competitive status or civil service appeals and would allow employees to appeal to MSPB to the extent that an agency committed procedural error or indicated that the transfer would terminate adverse action appeals.

Third, OPM used its own statutory authority under 5 U.S.C. 7514 to provide that, notwithstanding 5 U.S.C. 7511(b)(2), any tenured civil service employees whose positions were moved, or who were otherwise involuntarily transferred into policy-influencing excepted service positions, would remain covered by chapter 75 procedures.

Under the April 2024 final rule, a re-issued Schedule F could not cover career positions, MSPB adjudicators could overturn transfers into Schedule F, and incumbent employees could keep MSPB appeal rights even if their positions were transferred into Schedule F.

The rulemaking responded to a National Treasury Employees Union petition for regulations to prevent the reinstatement of Schedule F.⁷³ The final rule candidly acknowledged disagreement with Executive Order

13957, but explained that “OPM does not and cannot prevent a President from creating excepted service schedules or from moving employees.”⁷⁴

2. Executive Order 14171

Donald Trump won the 2024 Presidential election and promptly fulfilled his commitment, issuing Executive Order 14171 on January 20, 2025. The new order reinstated Executive Order 13957, while amending it in several ways. The order redesignates “Schedule F” as “Schedule Policy/Career.” This change in nomenclature emphasizes that covered positions remain career positions and are not being converted into political appointments—a common misperception of the original order. The order emphasizes that patronage remains prohibited by defining Schedule Policy/Career to only cover “career positions.”⁷⁵ It also expressly describes what is and is not required of Schedule Policy/Career employees. They “are not required to personally or politically support the current President or the policies of the current administration. They are required to faithfully implement administration policies to the best of their ability, consistent with their constitutional oath and the vesting of executive authority solely in the President. Failure to do so is grounds for dismissal.”⁷⁶

Executive Order 14171 also requires OPM to apply Civil Service Rule 6.3(a) to Schedule Policy/Career positions.⁷⁷ This rule authorizes OPM to prescribe by regulation conditions under which excepted positions may be filled in the same manner as competitive positions are filled and conditions under which persons so appointed may acquire a competitive status in accordance with the Civil Service Rules and Regulations. This directive requires OPM to generally provide for competitive hiring procedures for Schedule Policy/Career positions.

Executive Order 14171 also overrode significant parts of the April 2024 final rule. That rule used delegated presidential authority to amend parts 210 and 302 of the civil service regulations.⁷⁸ President Trump used his executive authority to directly render those amendments inoperative. Executive Order 14171 requires that OPM rescind the amendments made by the April 2024 final rule. It further

⁶⁴ *Id.*

⁶⁵ See, e.g., Juliet Eilperin, Lisa Rein, and Marc Fisher, “Resistance from within: Federal workers push back against Trump,” the Washington Post, January 31, 2017, https://www.washingtonpost.com/politics/resistance-from-within-federal-workers-push-back-against-trump/2017/01/31/c65b110e-e7cb-11e6-b82f-687d6e6a3e7c_story.html.

⁶⁶ Gov’t Accountability Off., “Civil Service—Agency Responses and Perspectives on Former Executive Order to Create a New Schedule F Category for Federal Positions,” (Sept. 2022), <https://www.gao.gov/assets/gao-22-105504.pdf>.

⁶⁷ E.O. 14003, 86 FR 7231, 7231 (Jan. 22, 2021).

⁶⁸ *Id.* sections 1 and 2.

⁶⁹ The Pendleton Act merely prohibited hiring or dismissing classified employees based on their politics or failure to make political contributions. Section 6 of E.O. 13957 forbid taking any personnel actions prohibited by 5 U.S.C. 2302(b). In addition to political discrimination, this generally forbids any discrimination based on protected characteristics (such as race, sex, or religion) or retaliation against whistleblowers.

⁷⁰ U.S. Off. of Pers. Mgmt., 2020 Federal Employee Viewpoint Survey, at 11, <https://www.opm.gov/fevs/reports/governmentwide-reports/governmentwide-reports/governmentwide-management-report/2020/2020-governmentwide-management-report.pdf>.

⁷¹ See, e.g., Agenda47, “President Trump’s Plan to Dismantle the Deep State and Return Power to the American People,” March 21, 2023, <https://www.donaldjtrump.com/agenda47/agenda47-president-trumps-plan-to-dismantle-the-deep-state-and-return-power-to-the-american-people>.

⁷² 89 FR 24982 (April 9, 2024).

⁷³ See Nat’l Treasury Employees Union, Petition for Regulations to Ensure Compliance with Civil Service Protections and Merit System Principles for Excepted Service Positions, (Dec. 12, 2022), <https://www.nteu.org/-/media/Files/nteu/docs/public/opm/nteu-petition.pdf?la=en>.

⁷⁴ See 89 FR 25009.

⁷⁵ E.O. 13957, sec. 4(a)(i).

⁷⁶ *Id.*, sec. 6(b).

⁷⁷ E.O. 14171, sec. 3(d).

⁷⁸ OPM relied on delegated Presidential authority under 5 U.S.C. 3301 and 3302 to make these changes.

provides that “[u]ntil such rescissions are effectuated (including the resolution of any judicial review) 5 CFR part 302, subpart F, 5 CFR 210.102(b)(3), and 5 CFR 210.102(b)(4) shall be held inoperative and without effect.”⁷⁹ Consequently, both the April 2024 final rule’s definition of “confidential, policy-determining, policy-making, or policy-advocating” as a term of art that refers exclusively to political appointees and its procedural requirements for moving employees into such policy-influencing positions are no longer in effect.

In a structural difference with the original Executive Order 13957, the President—not OPM—will now move positions into Schedule Policy/Career. Pursuant to that Executive Order, agencies will review their workforces and petition OPM to recommend that the President move specific positions into Schedule Policy/Career. OPM will review these petitions and make the recommendations it deems appropriate.⁸⁰ However, the President will make the final decision about which positions go into Schedule Policy/Career. That decision will be effectuated by a new executive order issued under Presidential—not OPM—authority.

Executive Order 14171 also added new guideposts about positions that may belong in Schedule Policy/Career. Under the order agencies will consider recommending both immediate and higher-level supervisors of Schedule Policy/Career employees for inclusion.⁸¹ If a subordinate employee is in a policy-influencing role, superior officials with authority to tell that employee what to do are also likely policy-influencing. The order further required agencies to consider positions with duties that the OPM Director indicates may be appropriate for inclusion in Schedule Policy/Career.⁸²

OPM has issued guidance about positions agencies should consider in their Schedule Policy/Career positions.⁸³ These additional guideposts consist of:

- Delegated or subdelegated authority to make decisions committed by law to the discretion of the agency head. This identifies a specific subcategory of

employees with “substantial discretion to determine the manner in which the agency exercises functions committed to the agency by law,” which was one of the categories originally flagged for potential inclusion.⁸⁴

- Authority to bind an agency to a position, policy, or course of action without higher level review or with only limited higher-level review. If an employee has authority to bind their agency without higher-level review they are straightforwardly policy-determining. Such officials are largely—but not exclusively—political appointees out of scope for Schedule Policy/Career.

- Positions statutorily described as exercising important policy-determining or policy-making functions: directing the work of an organizational unit, being held accountable for the success of one or more specific programs or projects, or monitoring progress towards organizational goals and periodically evaluating and making appropriate adjustments to such goals.⁸⁵

- Substantive participation and discretionary authority in agency grantmaking, such as the substantive exercise of discretion in the drafting of funding opportunity announcements, evaluation of grant applications, or recommending or selecting grant recipients. Grantmaking is an important form of policymaking, so employees with a substantive discretionary role in how federal funding gets allocated may occupy policymaking positions.⁸⁶
- Advocacy for administration policy, either in public or before other governmental entities, such as Congress or state governments.

- Positions otherwise described in the applicable position description as entailing policy-making, policy-determining, or policy-advocating duties.

Executive Order 14171 rescinded Executive Order 14003 and directed agencies to reverse any changes to discipline or unacceptable performance policies that followed from it. This requires agencies to restore changes to disciplinary and performance policies

from the first Trump Administration that the Biden Administration reversed.

President Trump also explained why he issued this order. Executive Order 14171 cited MSPB research showing only a 41 percent of supervisors are confident they could remove a subordinate for serious misconduct, and just 26 percent are confident they could remove one for poor performance.⁸⁷ The order explained that accountability is essential for all Federal employees, but it is especially important for those who are in policy-influencing positions. These personnel are entrusted to shape and implement actions that have a significant impact on all Americans. Under Article II, they must be accountable to the President, who is the only member of the executive branch, other than the Vice President, elected and directly accountable to the American people. Recently, however, there have been numerous and well-documented cases of career Federal employees resisting and undermining the policies and directives of their executive leadership.⁸⁸ President Trump concluded that conditions of good administration necessitated issuing the order to restore accountability to the career civil service.⁸⁹

C. Reasons for New Rulemaking

OPM now proposes regulations to rescind the changes made by the April 2024 final rule, implement E.O. 14171, and establish Schedule Policy/Career for policy-influencing career positions. Schedule Policy/Career posts will be filled using standard career hiring procedures, while those who encumber such positions will be excepted from chapter 43 and 75 procedures for adverse actions and performance-based actions. Schedule Policy/Career employees will remain career employees, while being subject to elevated accountability for their performance and conduct. OPM proposes these changes for the reasons set forth below.

1. Change in Administration Policy and Operative Legal Standards

The Constitution gives the President authority to set federal workforce policy, vesting executive power exclusively in the President.⁹⁰ Congress

⁷⁹ E.O. 14171, sec. 4.

⁸⁰ E.O. 13957, sec. 5.

⁸¹ E.O. 13957, sec. 5(c)(vi).

⁸² *Id.*, sec. 5(c)(vii).

⁸³ OPM, Guidance on Implementing President Trump’s Executive Order titled, “Restoring Accountability To Policy-Influencing Positions Within the Federal Workforce” (January 27, 2025), available at <https://www.chcoc.gov/content/guidance-implementing-president-trump%E2%80%99s-executive-order-titled-restoring-accountability>.

⁸⁴ E.O. 13957, sec. 5(c)(iii).

⁸⁵ See 5 U.S.C. 3132(a)(2), which defines the Senior Executive Service as positions classified above GS-15 that perform various important policy-making or policy-determining functions. Positions classified at or below grade 15 of the General Schedule that perform those same functions are consequently policy-determining or policy-making and appropriate for consideration for inclusion in Schedule Policy/Career.

⁸⁶ OPM notes that employees involved in administering formula or block grant programs will rarely, if ever, have substantive discretionary authority over how those grants are allocated. This guidepost will be primarily applicable to employees with involvement in discretionary grants.

⁸⁷ U.S. Merit Sys. Prot. Bd., “Remedying Unacceptable Employee Performance in the Federal Civil Service,” p. 15 (June 18, 2019), available at https://www.mspb.gov/studies/researchbriefs/Remedying_Unacceptable_Employee_Performance_in_the_Federal_Civil_Service_1627610.pdf.

⁸⁸ See section I(C)(2)(ii).

⁸⁹ E.O. 14171, Sec. 1.

⁹⁰ U.S. Constitution, Article II, section 1, clause 1. See also *Seila Law v. Consumer Finance*

has further tasked OPM with helping the President manage the Federal workforce.⁹¹ President Trump believes Schedule Policy/Career—the successor to Schedule F—is necessary to effectively supervise the executive branch. He was elected on a platform of doing just that and reinstated Executive Order 13957 within hours of taking office. OPM is now proposing to modify its civil service regulations to support the new President's policies. Executive Order 14171 also expressly instructed OPM to rescind the relevant portions of the April 2024 final rule.

Relatedly, Executive Order 14171 has changed the underlying legal authorities under which OPM operates. Sections 3301 and 3302 of 5 U.S.C. recognize the constitutional vesting of Federal workforce management authority in the President. They statutorily authorize the President to prescribe regulations for the admission of individuals into the civil service and to issue rules governing the civil service, respectively. The President can, and has, delegated that authority to OPM. In the April 2024 final rule OPM used this delegated presidential authority, as well as authority delegated under Executive Order 10577, to modify parts 210 and 302 of the civil service regulations.⁹² ⁹³ The President has now directly used his authority to render OPM's amendments inoperative. This directive supersedes OPM's prior regulations. Agencies can no longer give effect to 5 CFR 210.102(b)(3), 210.102(b)(4) or subpart F of part 302. OPM is proposing these regulations to align the civil service regulations with the President's policies and operative legal requirements. OPM is also independently basing these regulations on the policy analysis contained herein,

and believes that the policy reasons provided herein, standing alone, provide a sufficient basis for this rulemaking.

2. Needed To Address Factors Inadequately Considered in Prior Rulemaking

OPM also now believes that it gave inadequate consideration to several factors when issuing the April 2024 final rule. Upon further consideration, OPM has concluded that these factors call for issuing the proposed regulations.

i. Adverse Action Procedures Make Addressing Poor Performance, Misconduct, and Corruption Challenging

OPM received comments in the prior rulemaking showing that adverse action procedures and appeals make it very challenging for agencies to effectively address poor performance or serious misconduct.⁹⁴ These comments, and research which OPM now better appreciates, show that Federal supervisors and employees believe agencies do not effectively address poor performance or serious misconduct—and there is ample basis for this belief.

The MSPB's 2016 Merit Principles Survey shows that less than a quarter of Federal employees believe their “organization addresses poor performers effectively.”⁹⁵ OPM's FEVS has also long reported similar results. OPM formerly regularly asked Federal employees if they believed that “in my work unit, steps are taken to deal with a poor performer who cannot or will not improve.” Agreement with this statement historically ranged from a low of 25 percent to a high of 42 percent. In the history of the FEVS, a majority of Federal employees have never agreed that agencies uphold Merit Principle Six regarding performance standards and employee retention.⁹⁶

⁹⁴ See, e.g., Comments 45, 3156, and 4097. Comments filed in response to the prior rulemaking are available at <https://www.regulations.gov/comment/OPM-2023-0013-nnnn>, where “nnnn” is the comment number. Note that the number must be four digits, so insert preceding zeroes as appropriate.

⁹⁵ U.S. Merit Sys. Prot. Bd., “Issues of Merit,” (Sept. 2019), p. 3, https://www.mspb.gov/studies/newsletters/Issues_of_Merit_September_2019_1656130.pdf.

⁹⁶ Merit System Principle 6, Performance Standards states in full: “Employees should be retained on the basis of the adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.” <https://www.mspb.gov/msp/msp6.htm#:~:text=Merit%20System%20Principle%206%3A%20Performance,performance%20to%20meet%20required%20standards.%22> (last accessed Feb. 14, 2025).

OPM removed this question from the FEVS in 2022. The FEVS now asks employees what usually happens to poor performers in their work unit. The modal response—ranging from between 40 to 56 percent of the workforce across survey years—is that the work unit has poor performers, but they remain on the job and continue to underperform.⁹⁷

Third-party researchers report similar findings. Researchers at Princeton and Vanderbilt Universities surveyed Federal executives, asking when underperforming managers and non-managers were reassigned or dismissed. The executives answered “rarely or never” in 64 and 70 percent of cases, respectively.⁹⁸ Another survey by the Government Business Council found that only 11 percent of federal employees say their agency fires poor performers who do not improve after counseling.⁹⁹ The National Commission on Public Service concluded that “Federal employees themselves are unhappy with the conditions they face . . . [t]hey resent the protections provided to those poor performers among them who impede their own work and drag down the reputation of all government workers.”¹⁰⁰

Research further shows that supervisors rarely take action because they do not believe their efforts will succeed. The 2016 Merit Principles Survey finds that only 41 percent of Federal supervisors are confident that they could remove a subordinate for serious misconduct, and just 26 percent are confident they could remove an employee for poor performance.¹⁰¹ The Government Business Council survey found nearly 80 percent of Federal employees agree that removal procedures and appeals discourage removing poor performers.¹⁰² Federal

⁹⁷ See U.S. Off. of Pers. Mgmt., 2020 Federal Employee Viewpoint Survey, <https://www.opm.gov/fevs/reports/governmentwide-reports/governmentwide-reports/governmentwide-management-report/2020/2020-governmentwide-management-report.pdf>; U.S. Off. of Pers. Mgmt., 2023 Federal Employee Viewpoint Survey, [https://www.opm.gov/fevs/reports/governmentwide-reports/governmentwide-management-report/2023/2023-governmentwide-management-report.pdf](https://www.opm.gov/fevs/reports/governmentwide-reports/governmentwide-reports/governmentwide-management-report/2023/2023-governmentwide-management-report.pdf).

⁹⁸ David E. Lewis & Mark D. Richardson, “2014 Survey on the Future of Government Service,” (July 16, 2015), p. 34, https://www.vanderbilt.edu/csdi/research/SFGSforMayDCv12_weighted_n.pdf.

⁹⁹ Eric Katz, “Firing Line,” Government Executive, <https://www.govexec.com/feature/firing-line/>.

¹⁰⁰ Report of the National Commission on Public Service (January 2003), p. 12, <https://www.brookings.edu/wp-content/uploads/2016/06/01governance.pdf>.

¹⁰¹ U.S. Merit Sys. Prot. Bd., “Remedying Unacceptable Employee Performance in the Federal Civil Service,” *supra*, note 87, at 6, 15.

¹⁰² Katz, “Firing Line,” *supra* note 99.

Protection Bureau, 140 S. Ct. 2183, 2191 (2020) (“Under our Constitution, the ‘executive Power’—all of it—is ‘vested in a President’”).

⁹¹ 5 U.S.C. 1103(a).

⁹² 19 FR 7521 (November 23, 1953).

⁹³ The April 2024 final rule did not change the authorities OPM cites for its authority to issue 5 CFR part 210 and Part 302. Those are 5 U.S.C. 1302, 3301, 3302, 8151 and E.O. 10577. These authorities are either grounded in Presidential authority or irrelevant to the instant rulemaking. 5 U.S.C. 3301 and 3302 provide for the President to issue civil service rules and regulations, and in E.O. 10577 the President has delegated certain civil service functions to OPM. 5 U.S.C. 1302(a) authorizes OPM, subject to the President's civil service rules, to prescribe regulations governing civil service examinations, while § 1302(b) and (c) authorize OPM to prescribe regulations implementing veterans' preference. The § 1302(a) authorities are expressly subject to the President's civil service rules, while the § 1302(b) and (c) authorities are not relevant to either the changes made in the April 2024 final rule or this proposed rule; neither alters veterans' preference. 5 U.S.C. 8151 governs civil service retention rights when an employee returns to Federal employment. That authority is likewise inapplicable to the instant rulemaking.

workforce consultants similarly report it is prohibitively difficult to remove employees.¹⁰³

This is a longstanding problem. An MSPB analysis under the Clinton Administration concluded that “supervisors are usually advised [] that it is extremely hard to remove [poorly performing] employees and probably not worth the effort to try.” That study reported that less than a quarter of Federal supervisors who managed a poor performer proposed demoting or removing them.¹⁰⁴

Considerable evidence shows that Federal supervisors often find taking warranted adverse actions too difficult and uncertain to be worth the effort. When they do take action, their efforts are not infrequently subject to a protracted administrative process with an uncertain outcome. For example, the MSPB ordered reinstatement of the Chief of the U.S. Park Police, with back pay and interest, despite her repeated, proven misconduct, including serious violations of non-disclosure rules; repeatedly failing to carry out supervisory instructions; circumventing her chain of command; repeatedly violating agency rules; and condoning violations of agency rules by a subordinate.¹⁰⁵ Despite voting to reinstate this employee, an MSPB member called the Chief’s behavior “extraordinary” and intolerable for someone in an agency leadership position with policy-determining and policy-advocating duties.¹⁰⁶

In another case, the MSPB ordered reinstatement, with back pay and benefits, of the Executive Director of the National Council of Disability despite the fact that the agency head stated, in a sworn affidavit, that the Executive Director occupied a policy-determining, policy-making, and policy-advocating character and the agency had lost confidence in her.¹⁰⁷

Failure to address misconduct and poor performance directly undermines Federal Merit Systems Principles.¹⁰⁸ Allowing poor performers to remain, without improvement, directly undermines agency performance—

especially in policy-influencing positions that affect the performance of the whole agency. Letting misconduct slide can also create a culture of unaccountability and corruption that hurts Federal employees.

A high-profile example of this phenomenon came to light in a recent FDIC audit. Following public complaints, independent auditors examined the FDIC workplace in depth.¹⁰⁹ They found widespread abusive and corrupt behavior, such as male supervisors pressuring female subordinates for sexual favors in exchange for career assistance.¹¹⁰ Over 500 current and former FDIC employees reported experiencing misconduct, a disturbingly high proportion of the agency’s approximately 6,000 employees.¹¹¹

Even more concerning, the investigators found the FDIC almost never seriously disciplined employees who engaged in misconduct. The agency’s Anti-Harassment program received 92 complaints between 2015 and 2023. Only two resulted in a suspension. Two more resulted in a reprimand. None resulted in a demotion, much less a removal from Federal service.¹¹² The investigators found that this inaction and a lack of accountability created a culture where employees widely believed reporting misconduct was futile and would only produce retaliation.¹¹³ Investigators further concluded that adverse actions procedures and appeals were a major reason for this lack of accountability. FDIC employees explained that the agency would only take adverse actions in “air-tight,” “highly documented” cases, for fear of losing subsequent litigation.¹¹⁴ Adverse action procedures made it difficult for FDIC to hold senior officials accountable for misconduct or corruption, contributing to what many employees described as a “toxic” work environment.¹¹⁵

The April 2024 final rule provided a cursory and inadequate response to these facts. OPM noted that agencies fire approximately 10,000 employees a year for performance or misconduct.¹¹⁶ OPM failed to note that most of these

dismissals occurred among either temporary or seasonal employees, or during employees’ first two years of service—a period when most are still in their probationary or trial periods.¹¹⁷ Agencies dismiss approximately 4,000 permanent full-time non-seasonal employees with more than two years tenure annually—a rate of separation for performance or misconduct of approximately one-quarter of one-percent. OPM’s response also failed to note that, as discussed above, surveys show that agencies rarely separate poor performers and that Federal supervisors believe they are incapable of removing employees for poor performance or misconduct.

The April 2024 final rule argued that FEVS responses are uninformative about Federal performance management because line employees generally do not know what steps their agency takes to address another employee’s underperformance.¹¹⁸ This response demeans the ability of federal workers to directly observe whether agencies separate or discipline colleagues who cannot or will not improve their performance, as demanded under Merit Principle Six.¹¹⁹ It similarly ignores the related FEVS question asking employees what usually happens to poor performers in their work unit. The modal response is that “they stay in place and continue to underperform”—an outcome employees witness directly.¹²⁰ While employees may not be aware if supervisors are counseling colleagues or giving them an opportunity to demonstrate acceptable performance, they do see the end results of those processes. These surveys consistently show poor performance frequently goes unaddressed. OPM ignored this data in drawing its conclusions for the April 2024 final rule.

The April 2024 final rule also concluded that FEVS data does not show the government has a numerical prevalence of poor performers. For example, it explained that in a work unit of 100 employees and one poor performer, 99 employees might report the continued existence of a poor performer without poor performance

¹⁰³ See Fred Mills, “Civil Disservice: Federal Employment Culture and the Challenge of Genuine Reform,” (2010), pp. 30–31.

¹⁰⁴ U.S. Merit Sys. Prot. Bd., “Removing Poor Performers in the Federal Service,” (Sept. 1995), pp. 5, 7, <https://web.archive.org/web/20121007070936/https://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=253662&version=253949&application=ACROBAT>.

¹⁰⁵ *Chambers v. Dep’t of Interior*, 116 M.S.P.R. 17, 62 (2011) (Member Rose concurring).

¹⁰⁶ *Id.* at 63 (Member Rose concurring).

¹⁰⁷ *Briggs v. Nat’l Council on Disability*, 68 M.S.P.R. 296 (1995), 60 M.S.P.R. 331 (1994).

¹⁰⁸ See 5 U.S.C. 2301(b)(4), 2301(b)(6).

¹⁰⁹ See Joon H. Kim, Jennifer K. Park, and Abena Mainoo, “Report for the Special Review Committee of the Board of Directors of the Federal Deposit Insurance Corporation,” April 2024, <https://www.fdic.gov/sites/default/files/2024-05/cleary-report-to-fdic-src.pdf>.

¹¹⁰ *Id.*, Appendix A, pp. A–13 to A–18.

¹¹¹ *Id.* at 1.

¹¹² *Id.* at 2–3.

¹¹³ *Id.* at 3–4.

¹¹⁴ *Id.* at 154–155.

¹¹⁵ *Id.* at 58–59, 69, 97, 109.

¹¹⁶ 89 FR 25040.

¹¹⁷ Chapter 43 and 75 procedures generally do not apply to employees in their probationary or trial periods. The probationary period is one year for employees in the competitive service. Trial periods—the excepted service equivalent of a probationary period—are one year for preference eligible employees and two-years for nonpreference eligible employees.

¹¹⁸ 89 FR 25039.

¹¹⁹ 5 U.S.C. 2301(b)(6).

¹²⁰ See U.S. Off. of Pers. Mgmt., 2020 and 2023 Federal Employee Viewpoint Surveys, *supra* note 98.

being widespread in the work unit.¹²¹ OPM further noted that 99 percent of employees receive “fully successful” or higher performance ratings.¹²²

OPM no longer finds this a convincing rationale for rejecting the evidence from FEVS surveys. The hypothetical OPM provided does not demonstrate that poor performance is rare. Other data suggests otherwise. The National Commission on Public Service, chaired by Paul Volcker, reported that Federal employees believe approximately one-in-four of their colleagues are poor performers.¹²³ Any employee who fails to achieve a “fully successful” rating can by law be denied a salary step increase, creating a major incentive to challenge lower ratings. And employees have many opportunities to contest or appeal their official performance ratings, so it is far from clear that ratings of record can be taken at face value.¹²⁴ Supervisors may sadly but rationally rate poor performers as “fully successful” to avoid the time and expense involved in litigating an accurate lower rating.

Moreover, Congress has asked the executive branch to remove employees who cannot or will not improve inadequate performance—regardless of their prevalence.¹²⁵ Supervisors and line employees alike report adherence to this Merit Principle is the exception, not the norm. Poor performance is particularly problematic in policy-influencing positions because it can affect the performance of the entire enterprise. Consequently, OPM believes the executive branch must have the capacity to effectively address poor performance in policy-influencing positions. OPM now recognizes that the weight of evidence shows that chapter 43 and 75 procedures make effectively addressing poor performance, misconduct, and corruption difficult.

Additionally, the President is the official constitutionally charged with taking care that the law is faithfully executed and statutorily charged with determining when conditions of good administration necessitate new excepted service schedules.¹²⁶ It is

constitutionally and statutorily up to the President to determine when performance and conduct challenges in the Federal service warrant creating a new excepted service schedule to facilitate greater accountability. The President has made that call pursuant to his direct constitutional and statutory authority, and that judgment should be controlling. Moreover, OPM is independently convinced that Federal employee conduct and performance challenges necessitate Schedule Policy/Career.

OPM accordingly now concludes that chapter 43 and 75 procedures significantly impair agencies’ ability to hold Federal employees accountable for poor performance or misconduct, and the proposed regulations implementing Schedule Policy/Career are necessary to ensure high standards of performance and accountability in important policy-influencing positions.

OPM previously argued that even if chapter 43 and 75 procedures made addressing poor performance or misconduct difficult, the appropriate solution would be to try to convince Congress of that proposition and work for corresponding legislative changes to title 5.¹²⁷ However, as discussed below, OPM has now concluded that E.O. 14171 is well within the President’s constitutional and statutory authority. The President does not need new Congressional authorization to use existing legal authorities.

ii. Proposed Regulations Are Necessary To Strengthen Democracy and Promote a Nonpartisan Civil Service

During the rulemaking process for the April 2024 rule OPM received extensive comments documenting that some career Federal employees engage in “policy resistance.”¹²⁸ These commenters explained that the adverse actions procedures and appeals that make it challenging to remove employees for poor performance or misconduct create bureaucratic autonomy that enable career employees to advance their own personal or partisan policy preferences instead of those of the elected President and appointed agency heads. OPM broadly dismissed these concerns. Upon further review, OPM has concluded policy resistance is a serious concern—indeed, a serious threat to democratic self-government. OPM now believes these proposed regulations implementing Schedule Policy/Career are necessary to reduce bureaucratic autonomy and

strengthen the Government’s democratic accountability to the American people.

In the prior rulemaking OPM received many comments from career Federal employees stating that they and their colleagues fulfilled their duties impartially, even when they disagreed with the underlying policies. Executive Order 14171 recognized that many Federal employees do this, and that their performance is a credit to the civil service. OPM also agrees that there are many truly nonpartisan career employees who faithfully carry out their duties irrespective of their personal preferences.¹²⁹ Unfortunately, considerable evidence shows that a significant number of career employees instead inject their personal politics into their official duties. Evidence of this comes from many sources.

Academic researchers have long studied the “principal-agent” problem in the Federal bureaucracy. The foundational framework for many public administration scholars and political scientists is that career employees (the agents) do not impartially implement the will of Congress or the President (the principals) but have diverging policy preferences and agendas of their own that they actively seek to advance—at times over and against the will of their principals.¹³⁰ Many studies draw on this framework.¹³¹

For example, researchers documented that Environmental Protection Agency (EPA) career staff moved policy in the opposite direction than what principals sought in the Reagan Administration. President Ronald Reagan won a landslide victory on a platform of deregulation, and Anne Gorsuch—his EPA administrator—sought to reduce EPA enforcement stringency. EPA career staff not only rebuffed these directives, but they also actually increased enforcement stringency during this period. The author concluded that “the influence of elected institutions is limited when an agency has substantial

¹²¹ 89 FR 25039.

¹²² *Id.*

¹²³ Report of the National Commission on the Public Service (January 2003), p. 10, <https://www.brookings.edu/wp-content/uploads/2016/06/01governance.pdf>.

¹²⁴ For example, if they are in a bargaining unit they could file a grievance over their performance rating. See, e.g., *U.S. Department of Vet. Affairs*, 72 FLRA 677 (arbitrator overturning employee’s “unsatisfactory” performance rating and directing agency to award a rating of “excellent” and pay a \$1,000 performance bonus).

¹²⁵ 5 U.S.C. 2301(b)(6).

¹²⁶ See 5 U.S.C. 3302(1).

¹²⁷ 89 FR 25036.

¹²⁸ See, e.g., Comments 3156 and 4097.

¹²⁹ OPM leadership has the pleasure of working with many such employees.

¹³⁰ Accountability and Principal Agent Models, Oxford Handbook of Public Accountability 2014, available at <https://www.ocf.berkeley.edu/~gailmard/acct-pa.pdf>.

¹³¹ See, e.g., Ronald N. Johnson & Gary D. Libecap, “The Federal Civil Service System and the Problem of Bureaucracy,” University of Chicago Press, pp. 156–171 (1994), <https://www.nber.org/system/files/chapters/c8638/c8638.pdf>; Daniel Walters, “Litigation-Fostered Bureaucratic Autonomy: Administrative Law Against Political Control,” *J. of Law & Pol.*, 28, No. 2, pp. 129–184 (2013); Daniel P. Carpenter, “The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies,” Princeton Univ. Press (2002).

bureaucratic resources and a zeal for their use.”¹³²

Other research documents that career Federal employees often do not offer “neutral competence” but what the researchers term “politicized competence”—developing competency in agency operations, but using that competency to advance their personal political preferences.¹³³ Recent research also documents how “misaligned” career employees perform less effectively under appointees they politically disagree with.¹³⁴ Still other academics have documented the “levers of resistance” like leaking or slow-walking operations that career staff employ to frustrate policies they personally oppose, and that these tactics were used to oppose Trump Administration policies.¹³⁵

From the other perspective, many academics conclude that bureaucratic autonomy is beneficial. Some argue it creates a beneficial “internal separation of powers” within the executive branch.¹³⁶ Others argue that bureaucratic autonomy moderates policy swings between administrations.¹³⁷ But whether academics see it as malignant or benign, they widely conclude that many career Federal employees—especially those with policy responsibilities—inject their personal politics and preferences into the performance of their official duties.

News reports have also documented widespread career employee policy resistance. Within the first month of the first Trump presidency the Washington Post ran an article entitled “Resistance

from within: Federal workers push back against Trump.” The article documented career employee efforts to undermine the President’s agenda. For example, a career Department of Justice employee with grantmaking responsibilities described plans to slow-walk operations if the new administration attempted to shift grantmaking priorities. This employee explained that “[y]ou’re going to see the bureaucrats using time to their advantage.”¹³⁸ The New York Times similarly reported that EPA career scientists were strategizing how to slow-walk President Trump’s policies without getting fired.¹³⁹ In February 2017 a Washington Post columnist published a long-time federal employee’s guide to “useful tools” to “subtly subvert stupid orders” without outright revolting. The employee advised federal employees to adopt tactics like “[o]nly provide minimal information requested”, “[f]ail to find information”, “[m]iss deadlines while ‘doing your best’ (after all, we were all overworked). That might get you a poor review next time, maybe, but it won’t get you canned” and “[k]eep two sets of data (requires some care!)”.¹⁴⁰

In December 2017 Bloomberg News explained that “Washington bureaucrats are quietly working to undermine Trump’s agenda” and documented how “career staff have found ways to obstruct, slow down or simply ignore their new leader, the president.”¹⁴¹ Many political appointees who worked in the first Trump Administration have also reported experiencing strong policy resistance.¹⁴²

Reports now indicate that some career employees intend to undermine the policy agenda of the second Trump Administration. Some Federal employees have openly acknowledged these plans. The Washington Post recently covered an EPA career employee explaining that “she and her co-workers are focused on how to make sure the new administration does not walk back environmental regulations achieved under Biden.”¹⁴³ An undercover journalist documented an employee in the White House Office of Pandemic Preparedness and Response Policy explaining that if he was given an order he opposed he “would either try to block it or resign” and explaining that career employees “slow-walk” initiatives they dislike or “pretend to work really hard on something when they’re not.”¹⁴⁴

An Equal Employment Opportunity Commission (EEOC) employee broadcast her resistance plans to the entire agency. Soon after taking office a second time, President Trump signed executive orders directing the EEOC to prioritize investigations into employers that engage in unlawful DEIA discrimination and to rescind guidance that required employers to give male employees who self-identify as female access to women’s bathrooms and other sex-segregated facilities.¹⁴⁵ The President also designated Andrea Lucas as the new EEOC chairwoman. An EEOC administrative judge subsequently addressed an email to Chairwoman Lucas and sent it to all EEOC employees. The administrative judge stated that “You are not fit to be our chair much less hold a license to practice law. I will not participate in attempts to target private citizens and colleagues through the recent illegal executive orders. I swore an oath to the Constitution of the United States, and the Commission serves the people of the United States. If you want to continue following the illegal and unethical orders of our president and the unelected leader of ‘D***’ that’s on you . . . If upon reflection, you feel like now would be a good time to take a vacation and resign from your position, please ‘reply all’ to this email and put ‘I’d Like to Occupy Mars!’ in the subject

¹³² B. Dan Wood, “Principals, Bureaucrats, and Responsiveness in Clean Air Enforcements,” *Am. Pol. Sci. Rev.*, 82, No. 1, pp. 213–234 (1988).

¹³³ Sean Gailmard & John W. Patty, “Slackers and Zealots: Civil Service, Policy Discretion, and Bureaucratic Expertise,” *Am. J. of Pol. Sci.*, 51, No. 4 (2007), <https://www.ocf.berkeley.edu/~gailmard/ajps.gail-pat.pdf>.

¹³⁴ Jörg L. Spenkuch, Edoardo Teso, and Guo Xu, “Ideology and Performance in Public Organizations,” *Econometrica*, 91, no. 4, pp. 1171–1203 (2023), <https://doi.org/10.3982/ecta20355>.

¹³⁵ See, e.g., Jennifer Nou, “Bureaucratic Resistance from Below,” *Yale J. on Reg.*, (Nov. 16, 2016), <https://www.yalejreg.com/nc/bureaucratic-resistance-from-below-by-jennifer-nou/> and “Civil Servant Disobedience,” *Univ. of Chicago Law Sch., Public Law and Legal Theory Working Papers* (2019), https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2247&context=public_law_and_legal_theory.

¹³⁶ See, e.g., Neal Katyal, “Internal separation of powers: Checking today’s most dangerous branch from within,” *Yale L.J.*, 115, No. 9, pp. 2314–2349 (2006), https://americafirstpolicy.com/assets/uploads/files/AFPI_Comment_on_OPM_RIN_3206%E2%80%9393AO56-Anti-Schedule_F_NPRM-FINAL.pdf.

¹³⁷ See, e.g., Brian Feinstein & Abby Wood, “Divided Agencies,” *S. Cal. L. Rev.*, 95, No. 4, pp. 731–784 (2022), https://southerncalifornia.lawreview.com/wp-content/uploads/2022/12/WoodFeinstein_Final.pdf.

¹³⁸ Juliet Eilperin, Lisa Rein, & Marc Fisher, “Resistance from within: Federal workers push back against Trump,” *Wash. Post* (Jan. 31, 2017), https://www.washingtonpost.com/politics/resistance-from-within-federal-workers-push-back-against-trump/2017/01/31/c65b110e-e7cb-11e6-b82f-687d6e6a3e7c_story.html.

¹³⁹ Michael Shear & Eric Lichtblau, “‘A Sense of Dread’ for Civil Servants Shaken by Trump Transition,” *New York Times* (Feb. 11, 2017), <https://www.nytimes.com/2017/02/11/us/politics/a-sense-of-dread-for-civil-servants-shaken-by-trump-transition.html>.

¹⁴⁰ Joe Davidson, “Many feds don’t like Trump’s program, but they’re not revolting,” *Wash. Post* (Feb. 1, 2017), <https://www.washingtonpost.com/news/powerpost/wp/2017/02/01/many-feds-dont-like-trumps-program-but-theyre-not-revolting>.

¹⁴¹ Christopher Flavell & Benjamin Bain, “Washington Bureaucrats are Quietly Working to Undermine Trump’s Agenda,” *Bloomberg News*, (Dec. 18, 2017), <https://www.bloomberg.com/politics/features/2017-12-18/washington-bureaucrats-are-chipping-away-at-trump-s-agenda>.

¹⁴² See, e.g., Mark Moyer, “Masters of Corruption: How the Federal Bureaucracy Sabotaged the Trump Presidency,” *Encounter Books* (2024); see also James Sherk, “Tales from the Swamp: How Federal Bureaucrats Resisted President Trump,” *Am. First Pol. Inst.*, (Jan. 8, 2025), https://americafirstpolicy.com/assets/uploads/files/Tales_from_the_Swamp_How_Federal_Bureaucrats_Resisted_President_Trump_-_Revised_1.8.2025.pdf.

Swamp_How_Federal_Bureaucrats_Resisted_President_Trump_-_Revised_1.8.2025.pdf.

¹⁴³ Emily Davies, Lisa Rein, Emma Uber, and Aaron Wiener, “Federal workers prepare for cuts, forced relocations in Trump’s second term,” *Wash. Post* (Nov 7, 2024), <https://www.washingtonpost.com/dc-md-va/2024/11/07/trump-dc-federal-workforce-cuts/>.

¹⁴⁴ O’Keefe Media Group, “The Deep State is Real,” Jan. 23, 2025, <https://x.com/jamesOKeefeIII/status/1882431381097119797>.

¹⁴⁵ See executive orders 14168 and 14173.

line. We will take this as notification that you are resigning your position as acting chair.”¹⁴⁶ This employee openly professed her intention to refuse presidential directives based purely on her personal views.

OPM is also aware of recent cases of senior career employees not just professing plans to insert their personal politics into their official duties, but actually doing so. Multiple FLRA decisions chastised a career regional director for “willful noncompliance” with an earlier Authority order.¹⁴⁷ The regional director refused for 18 months to decertify a bargaining unit the FLRA determined was statutorily excluded from collective bargaining. Trump Administration officials also reported that career employees in the Education Department would not constructively assist in drafting important regulations, such as the department’s Title IX regulations. As a result, those regulations had to be primarily drafted by political appointees.¹⁴⁸

Trump Administration officials also reported that career attorneys in the Educational Opportunities Section (EOS) of the DOJ Civil Rights Division (CRT) would not assist in litigation charging Yale University with racially discriminating against Asian and Caucasian applicants.¹⁴⁹ EOS is the CRT subcomponent dedicated to combatting educational discrimination and would normally litigate such discrimination cases. However, winning that lawsuit had significant policy implications. A victory would have effectively prohibited racial preferences in higher education, as the Supreme Court’s decision in *Students for Fair Admissions v. Harvard* subsequently did.¹⁵⁰ The appointees reported that EOS recalcitrance required DOJ leadership to assign attorneys from other CRT and DOJ components to work on the case. It is a publicly verifiable fact—and OPM has so verified—that none of the DOJ attorneys listed on the complaint against Yale or who represented the Government in the subsequent legal proceedings were EOS career attorneys. OPM has received no

indication that these examples are incorrect.¹⁵¹

Public polling also indicates that a plurality of senior Federal employees would resist directives from President Trump they disliked. A survey asked Federal employees making more than \$75,000 in the Washington DC region what they would do if President Trump gave them an order that was legal, but they believed was bad policy. Forty-five percent said they would follow the order. Forty-six percent said they would do what they thought was best. Only 17 percent of senior Federal employees who voted for Kamala Harris said they would follow President Trump’s directive.¹⁵² Many career Federal employees say they would insert their politics into their official duties.

These points were raised in the prior rulemaking. Upon further analysis OPM has concluded it gave a cursory and inadequate response to these concerns. The April 2024 final rule ignored the news reports documenting career employee resistance.¹⁵³ The rule gave no response to the argument these reports showed putatively impartial career employees acting as political partisans. The rule also largely sidestepped the vast academic literature analyzing the principal-agent problem in the Federal government. For example, the final rule ignored the analysis

showing that EPA career employees moved policy in the opposite direction than what principals sought under the Reagan Administration, or the studies concluding that bureaucratic resistance exists and is a positive force.¹⁵⁴

OPM instead responded to a handful of studies commenters cited, arguing that they presented a nuanced and measured picture that did not support claims of widespread bureaucratic resistance.¹⁵⁵ For example, OPM observed that Nou (2019) did not empirically verify whether policy resistance increased under Trump, and found that some degree of resistance is inevitable. OPM reasoned this study did not show it is universally understood career employees advance their own agendas.¹⁵⁶ OPM now recognizes this analysis was too shallow. It is difficult to empirically document the scope of policy resistance because it primarily occurs behind closed doors. But Nou (2019) broadly catalogued academic literature discussing bureaucratic resistance as a widespread phenomenon, while providing specific examples of what she termed “civil service disobedience.”¹⁵⁷ It is one part of the academic literature documenting the principal-agent problem in public service. Moreover, the public polling described above suggests policy resistance is widespread. And while OPM contested the interpretation of a handful of studies, it did not respond to the larger point that the principal-agent model is the basic framework many academics use to examine bureaucratic operations.

OPM also accepted criticism of some of the reports of the bureaucratic partisanship provided by commenters who supported the rule.¹⁵⁸ Some of those individual critiques are debatable and OPM is no longer convinced of their validity.¹⁵⁹ Regardless, these commenters took issue with only a few cases of policy resistance. They did not contest the veracity of many other examples, such as the DOJ CRT employees’ unwillingness to participate in litigation challenging racial preferences in higher education.

The April 2024 final rule did not grapple with the broader weight of

¹⁵¹ Two of these examples appear in *Tales from the Swamp*, *supra* note 142. An earlier version of that report provided examples of career staff resistance to Trump Administration policies and was submitted into the record during the 2024 rulemaking. See Comment 4097. Comment 2822 critiqued some of the examples provided in *Tales from the Swamp*, and in the April 2024 final rule OPM accepted those criticisms. See 89 FR 24996. Even accepting that critique at face value, however, Comment 2822 did not contest the accuracy of these examples. Moreover, upon further review OPM has concluded that many of Comment 2822’s criticisms of *Tales from the Swamp* are misplaced. For example, the report documented that a career General Service Administration employee leaked a draft Trump executive order promoting classical and traditional architectural styles in Federal construction (President Trump recently reissued a similar directive). The report provided this as an example of a career employee leaking a draft policy in order to create controversy and pressure political appointees to drop the initiative. Comment 2822 did not contest that this happened. The comment instead argued that promoting classical architecture is bad policy and appropriately controversial. The wisdom or folly of a particular policy is beside the point—the question is whether career employees serve as nonpartisan and impartial experts, or whether some instead advance their personal political views. Nothing in Comment 2822 suggests that GSA career staff were impartial in how they approached their duties regarding Federal building design.

¹⁵² “Federal Managers Are Evenly Divided As To Whether They Would Follow A Legal Order From President Trump,” *Napoli News Service* (Jan. 21, 2025), <https://napolitanews.org/posts/federal-managers-are-evenly-divided-as-to-whether-they-would-follow-a-legal-order-from-president-trump>.

¹⁵³ See, e.g., Comment 4097.

¹⁵⁴ These studies were cited by commenters. See Comment 4097.

¹⁵⁵ See 89 FR 25001.

¹⁵⁶ See Jennifer Nou, “Civil Servant Disobedience,” *Univ. of Chicago Law Sch., Public Law and Legal Theory Working Papers* (2019), https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2247&context=public_law_and_legal_theory.

¹⁵⁷ *Id.*

¹⁵⁸ See 89 FR 24996, 25002, citing Comment 2822.

¹⁵⁹ See note 151, *supra*.

¹⁴⁶ This email was reported in multiple sources online. OPM contacted the EEOC and obtained verification both that the email was accurate and that it was sent by an administrative judge.

¹⁴⁷ See *U.S. Department of Justice, Executive Office for Immigration Review and National Association of Immigration Judges*, 72 FLRA 622 (2022); *U.S. Department of Justice, Executive Office for Immigration Review and National Association of Immigration Judges*, 72 FLRA 733 (2022).

¹⁴⁸ Sher, *supra* note 142.

¹⁴⁹ *Id.*

¹⁵⁰ 600 U.S. 181 (2023).

evidence showing some career employees insert partisanship into the performance of their official duties. Based on further review, and the evidence discussed above, OPM now concludes that this is a widespread phenomenon, albeit one that many federal employees do not engage in. Researchers widely report such behavior occurs, with well documented case studies. Many Trump Administration officials reported it occurred, career employees told reporters they were doing it, and they advised their colleagues about how to do it openly through the press. As mentioned above, an EEOC administrative judge even broadcast her intention to resist presidential directives to the entire agency. Beyond these case studies, polling shows a plurality of senior Federal employees would subvert directives they personally opposed. There is overwhelming evidence that a significant number of career employees bring their personal politics into their official duties.

OPM now also believes that career employee partisanship and policy resistance is a serious problem because it undermines democracy. If the American people do not like the policies elected officials advance, they can vote for new leadership. This often happens; partisan control of the White House or a chamber of Congress switched in nine of the past ten general elections. But Americans have little recourse when career employees advance their personal agendas or undermine elected officials' policies. They are electorally unaccountable. America was founded on the principle of government by consent of the governed. Career employees who resist elected officials' policy choices attack the foundations of American democracy.

OPM recognizes the value in having many perspectives present in an agency, and in career civil servants who disagree or see problems with a policy presenting their objections. Diverse perspectives frequently improve decision making. But, when a career employee goes from voicing disagreement to resisting policy decisions, they undermine democracy and the Constitution.

OPM also recognizes that a meaningful number of career employees insert their personal politics into their official duties, and that such behavior undermines American democracy. OPM has concluded that these challenges make Schedule Policy/Career necessary to increase policy-influencing officials' accountability to the President and

effectively discipline employees who engage in such behavior.

Even if this evidence were not enough to persuade OPM—and it is—the President has determined bureaucratic partisanship undermines his ability to execute the law and Schedule Policy/Career is necessary to combat this behavior. Executive Order 14171 explained Schedule Policy/Career is necessary because “there have been numerous and well-documented cases of career Federal employees resisting and undermining the policies and directives of their executive leadership.”¹⁶⁰ The President is the official constitutionally charged with taking care the law is faithfully executed, and statutorily authorized to determine when exceptions to the competitive service default are necessary. Congress tasked OPM with helping the President carry out these responsibilities, not with supplanting his judgment.¹⁶¹ So even if OPM had not independently concluded career employee partisanship is a pressing concern—and it has—OPM would defer to the presidential determination that it was.

iii. The Policy-Influencing Terms Are Not a Term of Art

The CSRA authorizes the President or OPM to exclude employees in excepted service positions of a “confidential, policy-determining, policy-making, or policy-advocating character” from chapter 75 procedural requirements and MSPB appeals. The April 2024 final rule amended 5 CFR 210.102 to define the phrases “confidential, policy-determining, policy-making, or policy-advocating” and “confidential or policy-determining” to refer exclusively to noncareer political appointments. OPM cited what it asserted was longstanding usage and legislative history to conclude that these phrases are terms of art with that specific meaning.¹⁶² Under this interpretation, the 5 U.S.C. 7511(b)(2) exceptions can be applied only to political appointees (e.g., Schedule C positions) and have no application to career employees.

Upon further review, OPM has determined that its prior conclusion was erroneous and, while the “policy-influencing” terms do encompass political appointments, they are not exclusively limited to them. Rather, these terms have the natural, plain English meaning of describing positions involved in determining, making, or advocating for government policy, or

positions of a confidential nature. Such positions include, but are not restricted to, political appointments.

Textual Analysis

The problem with OPM's prior construction is that the CSRA's text refutes it. In 5 U.S.C. 3132(a)(2)—also part of the CSRA—Congress defined Senior Executive Service (SES) positions as those graded above GS–15 that direct the work of an organizational unit, are held accountable for the success of one or more specific programs or projects, monitor progress toward organizational goals and periodically evaluates and makes adjustments to such goals, or “otherwise exercise[] important policy-making, policy-determining, or other executive functions.” In 5 U.S.C. 3134(b) Congress prohibited more than 10 percent of SES positions from being filled by noncareer (e.g., political) appointees. Consequently, at least nine-tenths of SES positions—which are definitionally policy-making or policy-determining—must be held by career officials.

This usage is incompatible with the terms “policy-determining” or “policy-making” being terms of art that refer only to political appointments. Congress expressly used these terms to describe and define thousands of career positions in 5 U.S.C. 3132. That usage sheds light on the terms' meaning in 5 U.S.C. 7511(b)(2). As the Supreme Court has often explained, the “normal rule of statutory construction [is] that identical words used in different parts of the same act are intended to have the same meaning.”¹⁶³ Moreover, the presumption of consistent usage most commonly applies to terms appearing in the same enactment, as these did.¹⁶⁴ Congress's use of the terms “policy-making” and “policy-determining” to describe career positions in one part of the CSRA shows these terms can describe career positions in another section of the law.

Further, the CSRA uses different terms to expressly differentiate political and civil service positions: “noncareer” and “career” appointments, respectively.¹⁶⁵ OPM is mindful of the Supreme Court's directive that “when the legislature uses certain language in one part of the statute and different

¹⁶³ *Gustafson v. Alloyd Co.*, 513 U.S. 561, 570 (1995) (citing *Dep't of Revenue of Oregon v. ACF Indus., Inc.*, 510 U.S. 332, 342 (1994)).

¹⁶⁴ See *United States v. Castleman*, 134 S. Ct. 1405, 1417 (2014) (“[T]he presumption of consistent usage [is] the rule of thumb that a term generally means the same thing each time it is used [and] most commonly applie[s] to terms appearing in the same enactment.”) (Scalia, J., concurring).

¹⁶⁵ See 5 U.S.C. 3132, 3134.

¹⁶⁰ E.O. 14171, sec. 1.

¹⁶¹ See 5 U.S.C. 1103(a).

¹⁶² See 89 FR 25020 *et seq.*

language in another, the court assumes different meanings were intended.”¹⁶⁶

Congress used the terms “career” and “noncareer” to specifically distinguish career civil service positions from political appointments. The CSRA separately used the terms “policy-making” and “policy-determining” to describe General Schedule positions that could be exempted from adverse action procedures, and also used these terms to describe all SES positions. It is a “cardinal doctrine” that this shift in language implies a shift in meaning; “policy-determining” and “policy-making” are not synonymous with “noncareer.”

Congress also knew how to extend adverse action procedures to all career employees. Subchapter V of chapter 75 gives adverse action procedures to any SES “career appointee” who passes their probationary period.¹⁶⁷ But Congress worded subchapter II—which covers the competitive and excepted services—differently: “[t]his subchapter does not apply to an employee . . . whose position has been determined to be of a confidential, policy-determining, policy-making or policy-advocating character”¹⁶⁸ It is another basic canon of statutory construction that if “Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.”¹⁶⁹ Congress knew how to categorically give all career employees adverse action procedures in chapter 75—but used quite different language in subchapter II. This change in structure and language suggests a change in meaning; the policy-influencing exclusion from subchapter II is not limited to political appointees.

Accepting OPM’s prior reading of the policy-influencing phrases would mean believing the terms “policy-determining” and “policy-making” were well known terms of art that referred exclusively to political appointees, and Congress used them in that way in 5

U.S.C. 7511(b)(2), but that Congress used these terms to convey a different meaning when defining SES positions in section 3132. That interpretation would also mean that Congress introduced an entirely different term into title 5—“noncareer”—to describe political appointments instead of using the well-established term of art used elsewhere in the CSRA. And that interpretation would also require one to conclude that the differences in language in subchapters II and V—with the latter explicitly giving all career SES members adverse action procedures and the former using very different terminology to define adverse action coverage—convey no substantive difference in meaning.

OPM concludes that such an interpretation makes little sense and does not reflect proper statutory interpretation. The best reading of 5 U.S.C. 7511(b)(2) is that the terms “confidential, policy-determining, policy-making, or policy-advocating” have their ordinary, plain English meaning and describe positions involved in determining, making, or advocating for policy, or confidential positions. Such positions include but are not limited to political appointments. This construction gives the same meaning to the terms “policy-making” and “policy-determining” throughout the CSRA while recognizing that the terms “career” and “noncareer” have a different meaning, referring to civil service and political appointments respectively. This interpretation also recognizes that Congress specifically gave adverse action procedures to career SES members and denied them to noncareer SES appointees, while using very different language in the section of chapter 75 governing the competitive and excepted services.

OPM previously gave two reasons for rejecting these textualist arguments. First, OPM argued that this construction would give career SES members greater protection from removal than lower-ranking subordinates. OPM concluded “it does not follow” that, if Congress intended to allow at-will removals of employees with policy responsibilities, Congress would give the executive branch greater authority to remove employees with fewer such responsibilities and less ability to remove those with greater responsibilities.¹⁷⁰ However, this reasoning ignored statutory SES management flexibilities. Agency heads can reassign SES members at-will or unilaterally demote them from the SES

for poor performance.¹⁷¹ The President and OPM can also take agencies out of the SES and create alternative senior executive management systems.¹⁷² Section 7511(b)(2) of 5 U.S.C. would then allow the President to exclude employees in those alternative systems from chapter 75. Congress could have easily seen the need for a greater authority to remove employees below the SES precisely because agencies do not have the same degree of management flexibility with them, or drafted section 7511(b)(2) more expansively to ensure the President could make senior executives at-will if he takes their agencies out of the SES.¹⁷³

Second, OPM previously argued that the phrase “positions of a confidential, policy-determining, policy-making, or policy-advocating character” in section 7511(b)(2) is a term of art with clear history and consistent usage, while Congress wrote on a clean slate when it created the SES and used different structure and language in section 3132.¹⁷⁴ OPM now recognizes this construction is untenable. OPM’s prior argument requires the phrase “positions of a confidential, policy-determining, policy-making, or policy-advocating character” to in fact be an established term of art with a meaning independent of its constituent terms. However, this is not the case. This phrase was first introduced in the CSRA; it existed in no legal source prior to 1978. Consequently, there is no history of Congress or the executive branch using the phrase “positions of a confidential, policy-determining, policy-making, or policy-advocating character” as a term of art divorced from the meaning of its constituent components.

The history that OPM and commenters pointed to instead used 7511(b)(2)’s constituent terms as separate descriptors. For example, the Brownlow Report spoke of “policy-determining posts.”¹⁷⁵ The First and Second Hoover Commissions used the terms “policy-making” and “policy-determining” respectively.¹⁷⁶ Executive Order 10440, which created Schedule C, used the phrase “positions of a confidential or policy-determining character.”

¹⁶⁶ See *Sosa v. Alvarez-Machain*, 542 U.S. 692, 711 n. 9 (2004); *Grand Trunk W. R.R. Co. v. U.S. Dep’t of Labor*, 875 F.3d 821, 825 (2017) (concluding statutory context overcomes presumption of “so-called *Russello* structural canon”—that “[w]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.” (alteration in original) (quoting *Russello v. United States*, 464 U.S. 16, 23 (1983))).

¹⁶⁷ 5 U.S.C. 7541(1).

¹⁶⁸ 5 U.S.C. 7511(b).

¹⁶⁹ *INS v. Cardoza-Fonseca*, 480 U.S. 421, 432 (1987).

¹⁷⁰ 89 FR 25025.

¹⁷¹ See 5 U.S.C. 3395, 4312(d), 4314(b)(3).

¹⁷² 5 U.S.C. 3132(c).

¹⁷³ For example, unlike SES members, competitive and excepted service employees can appeal removals based on unacceptable performance to the Merit Systems Protection Board. See 5 U.S.C. 4303(e).

¹⁷⁴ 89 FR 25024.

¹⁷⁵ See “Report of the President’s Committee, Administrative Management in the Government of the United States,” p. 3 (Jan. 1937).

¹⁷⁶ 89 FR 25021, 25022.

The CSRA, by contrast, did not use any of these pre-existing terms or phrases. It instead used a broader and more expansive formulation, “confidential, policy-determining, policy-making, or policy-advocating.”

If OPM’s prior reading were correct, and the phrase “confidential or policy-determining” used in Executive Order 10440 was a term of art that referred exclusively to political appointees, there would be no reason to add the terms “policy-making” or “policy-advocating” to it. Under that reading those additions would be mere surplusage. Congress’s deliberate decision to add additional new terms to the prior formulation suggests each term is meant to have independent meaning.

If anything was arguably a term of art it was the terms “policy-determining” or “policy-making”—not the CSRA’s expansive new phrase “positions of a confidential, policy-determining, policy-making, policy-advocating character”.¹⁷⁷ But 5 U.S.C. 3132 used those terms to describe thousands of career SES positions. The CSRA did not treat them as terms of art for political appointees. And if Congress did not use the pre-existing terms “policy-making” and “policy-determining” as terms of art for political appointees, it makes little sense to construe section 7511(b)(2)’s completely new and longer formulation as a term of art either.

The fact that Congress was writing on a clean slate in creating the SES makes little difference. Congress often uses terms of art when writing new statutes, precisely so that courts and the public need not guess at their meaning. If the terms policy-making and policy-advocating were terms of art that exclusively described political appointments, they would carry that meaning into 5 U.S.C. 3132. The fact that Congress instead described career SES positions as exercising policy-making and policy-determining functions shows Congress did not use those terms in that manner.

Polymaking Roles Are Not Limited to Political Appointees

Construing the terms policy-determining and policy-making to refer exclusively to a small number of political appointments is also theoretically and practically unsound. Policy-making authority is not cabined to few political leaders. Early public administration scholars believed otherwise, drawing a theoretical division between policy-determining

political positions and line administrative employees. In the 1880s future President Woodrow Wilson argued giving career bureaucrats power over technical details of policy implementation was unproblematic because those details were separate from policy making.¹⁷⁸ However, it soon became apparent to many public administration scholars, including Wilson, that the lines between policy and administration did not have such clear boundaries.¹⁷⁹ By the early 1900s city managers—who were not elected or short-term political appointees—clearly understood that they had important policy discretion.¹⁸⁰

Many scholars now recognize that it is not feasible to draw a bright line between politics and administration. As one prominent scholar explains: “Administrators help to shape policy, and they give it specific content and meaning in the process of implementation.”¹⁸¹ Administration necessarily entails a degree of policy-making. Contemporary practice recognizes this reality; career officials routinely perform policy functions vested by law in agency heads. Indeed, over the past four decades most Federal officials who exercise delegated agency-head authority have been career employees.¹⁸²

The histories of Schedules A and C bear out the fact that policy-making is not cleanly divisible from administration. As OPM noted in the April 2024 final rule, the Roosevelt Administration’s Brownlow Committee originally proposed that policy-determining exceptions from the civil service should be “relatively few in number,” consisting mainly of “the heads of executive departments, undersecretaries and assistant secretaries, the members of the regulatory commissions, the heads of a few of the large bureaus engaged in activities with important policy implications, the chief diplomatic posts,

and a limited number of other key positions.”¹⁸³

However, when President Franklin Roosevelt placed “policy-determining” positions in Schedule A, and President Dwight Eisenhower subsequently put them in Schedule C, they swept much more broadly to lower levels of the bureaucracy. Saying that only policy-determining positions went into Schedule C did not provide clear guidelines. The Second Hoover Commission noted “[t]he term ‘policy-determining’ has continued to be employed without much refinement . . . This criterion is all right as far as it goes, but it is so great an oversimplification that it does not give adequate guidance.”¹⁸⁴ The Commission explained that when “the departments began to apply [the Schedule C criteria] in 1938, some decided that only the secretary and assistant secretaries determined policy. Others avowed that minor officials at the subbureau level were policy determiners. In departmental recommendations in 1953 and 1954 regarding schedule C, there has been an even greater diversity . . . No decision was made as to where the lines between the political high command and the permanent civil service of the Government should be drawn.”¹⁸⁵

The history of the executive branch demonstrates that “policy-determining” positions are not restricted to senior positions like assistant secretaries but encompass positions far lower in the bureaucracy as well. While the Second Hoover Commission recommended narrowing eligibility for Schedule C, this recommendation was never acted upon. Congress then used the broad and indefinite terms “policy-determining” and “policy-making” in the CSRA.

Many career Federal employees exercise a degree of policy-determining authority or substantively participate in policy-making. The CSRA and the subsequent Civil Service Due Process Amendments Act gave the President and OPM discretion to determine what positions should be excepted from adverse action appeals on account of their policy responsibilities. It is theoretically and practically untenable to interpret the terms “policy-making” and “policy-determining” to describe only a small number of purely political positions.

¹⁸³ 89 FR 25021.

¹⁸⁴ Citing Task Force on Pers. and Civil Serv., Report on Personnel and Civil Service, p. 6 (1955), https://www.google.com/books/edition/Report_on_Personnel_and_Civil_Service/ytR9zYFVWtWC.

¹⁸⁵ *Id.* at 6–7, 35.

¹⁷⁷ See OPM’s discussion of the use of these terms by the Brownlow Committee and Hoover Commission, 89 FR 25021–25022.

¹⁷⁸ Woodrow Wilson, “The Study of Administration,” *Political Science Quarterly* 2:2 (1887), 197–222, available at <https://www.jstor.org/stable/2139277>.

¹⁷⁹ Calabresi & Yoo, *supra* note 28, at 254–255.

¹⁸⁰ Kimberly L. Nelson and James H. Svara, “The Role of Local Government Managers in Theory and Practice: A Centennial Perspective,” *Public Administration Review* 75:1 (2014), 49–61, available at <https://www.jstor.org/stable/24758024>.

¹⁸¹ James H. Svara, “The Myth of the Dichotomy: Complementarity of Politics and Administration in the Past and Future of Public Administration,” *Public Administration Review* 61:2 (2001), 176–183, available at <https://www.jstor.org/stable/977451>.

¹⁸² Brian D. Feinstein and Jennifer Nou, “Submerged Independent Agencies,” *University of Pennsylvania Law Review* 171:4 (April 2023), 945–1022. See p. 973.

Reconsidering OPM's Prior Justifications

Upon further review, OPM has determined that the additional reasons it previously gave for interpreting the phrase “positions of a confidential, policy-determining, policy-making, or policy-advocating character” as a term of art do not withstand scrutiny.

OPM cited to legislative history, such as the conference report for the Civil Service Due Process Amendments Act.¹⁸⁶ But legislative history is not the law. Statements of individual members of Congress reflect their views alone. Committee reports are typically written by committee staffers, not voted on by the whole Congress, and may not reflect the sentiments of members of Congress who passed the law or negotiated key provisions. The Supreme Court has accordingly made it clear that legislative history has limited value in interpreting statutory text. Courts “do not resort to legislative history to cloud a statutory text that is clear.”¹⁸⁷

OPM also explained that it was construing the policy-influencing terms to refer exclusively to political appointees to honor Congressional intent.¹⁸⁸ However, Congressional intent is determined by text of the law Congress passes. Post-enactment statements or amicus briefs filed by members of Congress do not determine Congressional intent. They show the desires of individual legislators, not Congress acting in its institutional capacity to enact legislation.

Congressional intent must be gleaned from the text because members of Congress could have different reasons for passing the same language. It is possible that some members of Congress did not anticipate that the policy-influencing terms could be applied to career positions and intended them to apply to only political appointments. The April 2024 final rule embraced that interpretation. But it could also be the case that other members of Congress recognized that the terms could apply to career positions and wanted to retain that flexibility if necessary. Other members of Congress might have preferred to limit the exception to political appointees but recognized, as discussed in section III(C)(4) below, that giving policymaking career employees strong tenure protections would create serious constitutional issues. Those members may have preferred language that encompassed career positions to avoid a potential constitutional conflict.

The members of Congress who voted for the CSRA and the subsequent Due Process Amendments Act likely separately held all three positions. OPM previously failed to appreciate that Congressional intent must be discerned from the text of the laws passed. That text shows Congress used the terms “policy-making” and “policy-determining” to describe both career positions and political appointments.

Further, the legislative history to which OPM previously referred consisted of a general description of Schedule A, Schedule B and Schedule C that was intended to provide an explanation of why Schedule C employees were not being granted MSPB appeal rights: because they “have little expectation of continuing employment beyond the administration during which they were appointed.”¹⁸⁹ It did not attempt to define what the term “confidential or policy-determining character” meant, nor did it purport to define the term to include only political appointees. Instead, it merely used the term in passing.

OPM and a commenter also noted that a number of statutes enacted after the CSRA expressly describe policy-influencing positions as “political appointments.”¹⁹⁰ However, the CSRA expressly described thousands of senior career positions as having “important policy-making, policy-determining, and other executive functions.”¹⁹¹ These other statutes do not purport to define political appointments for all of title 5, or for CSRA purposes. Instead, they universally state that their definitions apply only for purposes of that particular law or section of the U.S. Code. Construing these limited definitions to govern the interpretation of the CSRA would ignore these statutory directives.¹⁹²

These limited statutory definitions likely reflect the fact that until Executive Order 13957 successive administrations had only used the policy-influencing exceptions for political appointments. These new laws were passed against that backdrop. Congress likely assumed only political appointees would fill policy-influencing positions for purposes of those laws because, at the time they were passed, those were the only officials who did. But those laws did not contain any provisions cabining the President's discretion to apply section 7511(b)(2)

more broadly in the future, nor did they contain any provisions modifying the definition of “policy-making” or “policy-determining” for CSRA purposes. OPM accordingly now believes that this post-enactment history should not be interpreted to restrict the President's authority to exempt positions under section 7511(b)(2).

OPM also argued that defining policy-influencing positions as political appointments was necessary for consistency with MSPB interpretations because Congress used the same policy-influencing terms in 5 U.S.C. 2302(a)(2)(B)(i) to define positions covered by Prohibited Personnel Practices (PPP).¹⁹³ The MSPB has occasionally applied these terms in that context. However, the CSRA gave primary responsibility for determining which positions are policy-influencing to the President and OPM.¹⁹⁴ The MSPB must apply their determinations. Congress did not give MSPB authority to cabin presidential or OPM discretion over which positions are policy-influencing.

For these reasons OPM has concluded that the policy-influencing terms are not a term of art that refer only to political appointees in Schedule C, and that they can encompass career positions with confidential or policy responsibilities as well. OPM therefore proposes to rescind its prior restrictive definition.

The President Can Treat Political Appointments as Career Positions Regardless

While OPM believes the policy-influencing terms have their plain English meaning and are not a term of art, OPM further notes that, even if those terms were a term of art, that would not make a practical difference. Assuming *arguendo* that the policy-influencing terms should be construed as a term of art for political appointees, that would simply mean that all positions the President determines are policy-influencing are technically political positions. Even this construction would not, however, prevent the President from exempting any career positions with substantive policy-influencing responsibilities from chapter 75 procedures pursuant to 5 U.S.C. 3302, regardless of the number of

¹⁹³ Under the CSRA, policy-influencing positions are excluded from the scope of 5 U.S.C. 2302(b), which specifies the PPPs, and from Office of Special Counsel and MSPB enforcement of the same. Section 6(a) of E.O. 13957 requires agencies to establish and enforce internal policies prohibiting PPPs.

¹⁹⁴ The CSRA also gave agency heads responsibility for determining if positions statutorily placed in the excepted service are policy-influencing.

¹⁸⁶ 89 FR 25022–25023.

¹⁸⁷ *Ratzlaf v. United States*, 510 U.S. 135, 147–148 (1994).

¹⁸⁸ 89 FR 25012, 25026–25027.

¹⁸⁹ H.R. Rep. 101–328, 5, 1990 U.S.C.C.A.N. 695, 699.

¹⁹⁰ See 5 U.S.C. 9803(c), 6 U.S.C. 349(d)(3), 7 U.S.C. 6992(e)(2), 38 U.S.C. 725.

¹⁹¹ 5 U.S.C. 3132(a)(2).

¹⁹² 89 FR 25021.

positions so affected.¹⁹⁵ It would simply mean such positions would be formally designated political positions.

As discussed in greater detail below, OPM now believes that title 5 does not require an adverse action appeals process for career employees in the excepted service whose positions are determined to be policy-influencing. Under E.O. 13957, as amended, and the proposed rule, a presidential determination that a position is policy-influencing terminates chapter 75's applicability to such position regardless of whether it is subsequently designated as political (e.g., Schedule C) or remains career (Schedule Policy/Career). All that removing the April 2024 final rule's restrictive definition of the policy-influencing terms does is allow the relevant positions to remain formally designated as career positions instead of political appointments.

Further, under the Constitution, the President has discretion to use his Article II executive power to require his subordinates to treat technically political positions as though they were career positions. The Constitution vests the executive power in the President alone.¹⁹⁶ If the President believes as a constitutional matter that disregarding political affiliation best helps him carry out his constitutional duties, he can order his subordinates to do so. At most, the CSRA authorizes the President to consider political or policy views in policy-influencing positions, e.g., for existing Schedule C positions—but it does not require it.

Presidents have often treated formally political appointments as career positions. Ambassadors, for example, are one of the few offices expressly provided for in the Appointments Clause. The Constitution requires they be appointed by the President with

Senate consent; no law could make them career positions. Nonetheless there is a longstanding practice of appointing career members of the Foreign Service as ambassadors, especially to less prominent postings. Prior to the 2025 Presidential transition most U.S. ambassadors or nominees for vacant posts were career Foreign Service officers. Congress could not and did not require this. Presidents of both parties have instead chosen to fill these posts apolitically because it helps advance their foreign policy agendas. Similarly, nothing in title 5 prevents the President from treating nominally political appointments as career positions.

President Trump has decided to put policy-influencing career positions into Schedule Policy/Career. OPM now believes the best reading of the statute is that the policy-influencing terms encompass both career and political positions. But if that reading of the statute is incorrect the President can still determine that positions with substantive policy responsibilities are policy-influencing, exempting incumbents in those positions from chapter 75, while directing his subordinates to continue to treat those incumbents like career employees.

Additional Considerations

Executive Order 14171 used presidential authority to prohibit agencies from giving effect to the April 2024 final rule's restrictive definition of policy-influencing positions.¹⁹⁷ This directive is binding on OPM and all agencies. Congress tasked OPM with executing, enforcing, and administering the civil service rules and regulations of the President.¹⁹⁸ OPM will not maintain regulations that conflict with presidential directives and cannot be given legal force or effect. Even if OPM did not find the factors discussed above independently persuasive—and it does—OPM would nonetheless propose removing the April 2024 final rule's restrictive definition of the policy-influencing terms to comport with Executive Order 14171's invalidation of 5 CFR 210.102(b)(3) and 210.102(b)(4).¹⁹⁹ In addition, OPM would independently propose changing the April 2024 final rule to advance the policies described in this proposed rule.

3. OPM Has No Authority To Extend Chapter 75 Procedures to Policy-Influencing Positions

Further review has convinced OPM that the April 2024 final rule's amendments to subpart D of 5 CFR part 752, which extended adverse action procedures and appeals to incumbent employees whose positions were declared policy-influencing or who were involuntarily transferred into policy-influencing positions, exceeded OPM's statutory authority. Accordingly, OPM now believes it is necessary to rescind these amendments.

Chapter 75's statutory text determines its scope. Section 7511(b)(2)(A) of 5 U.S.C. provides that subchapter II (covering adverse actions in the competitive and excepted services) does not apply to an employee whose position has been determined to be policy-influencing by the President for a position the President has excepted from the competitive service. Under this statutory directive, employees whose positions the President has excepted from the competitive service based on their policy-influencing character are categorically exempt from chapter 75 procedures and subsequent MSPB appeals. The language is clear and unambiguous.

The April 2024 final rule nonetheless purported to extend chapter 75 procedures and MSPB appeals to employees in policy-influencing excepted service positions if their positions were so designated after they were initially hired or if they were involuntarily transferred into that position. OPM now recognizes that it had no authority to extend subchapter II's coverage like this. Section 7511(b)(2) categorically excludes policy-influencing excepted service positions, irrespective of whether incumbents filling those positions were previously covered by chapter 75. While the final rule repeatedly described Federal employees' as possessing "accrued rights" to adverse action procedures and appeals, it did not point to any statutory provisions conveying such personal rights.²⁰⁰ Such language appears nowhere in the text of subchapter II. Rather, section 7511(b)(2)'s exclusions are tied to the nature of a position, irrespective of who occupies it. Some section 7511 exclusions are tied to an employee's personal history and status, such as the 7511(b)(4) exclusion of reemployed annuitants and the 7511(a)(1) exclusion of probationary employees. However, Congress included

¹⁹⁵ Civil Service Rule 1.3(d) provides that if tenured competitive service employees' positions are listed in excepted service schedules A, B, or C, the employees encumbering such positions will remain in the competitive service as long as they remain in those positions. This rule implemented the Lloyd-LaFollette Act provisions that required this result. As discussed in greater detail below, however, the CSRA of 1978 repealed those applicable statutory provisions. Civil Service Rule 1.3(d) now rests on its foundation in the Civil Service Act of January 16, 1883, which includes the President's authority to prescribe rules governing the competitive service and to exempt positions from it. See 22 Stat. 403, 406 at ch. 27 (codified as amended in 5 U.S.C. 2102, 3302, *et al.*); 5 CFR 213.101–104. OPM believes that hypothetically, a President who wished to do so could waive the application of Rule 1.3(d) and directly move tenured competitive service employees from such positions into Schedule C excepted service positions. In such event, under 5 U.S.C. 7511(b)(2), such employees would become excluded from adverse action appeals.

¹⁹⁶ *Seila Law v. Consumer Finance Protection Bureau*, 140 S. Ct. 2183, 2191 (2020).

¹⁹⁷ See 5 U.S.C. 3301, 3302.

¹⁹⁸ See 5 U.S.C. 1103(a)(5).

¹⁹⁹ OPM would independently propose changing the final rule to advance the policies described in this proposed rule, even if Executive Order 14171 had not been issued and modified the Civil Service Rules.

²⁰⁰ See, e.g., 89 FR 24982, 25009, 25018.

no such criteria for the 7511(b)(2) exclusion.

Section 7514 of 5 U.S.C. allows OPM to issue regulations carrying the out purposes of subchapter II. Such authority does not include extending its coverage to positions Congress has specifically excluded.

OPM justified the amendments to subpart D by appealing to the D.C. Circuit's decision in *Roth v. Brownell* (1954), a case interpreting the Lloyd-La Follette Act.²⁰¹ As discussed above, the Lloyd-La Follette Act provided that “[n]o person in the classified civil service of the United States shall be removed or suspended without pay therefrom except for such cause as will promote the efficiency of such service and for reasons given in writing.” The D.C. Circuit concluded that this language meant employees remained covered by Lloyd-La Follette procedures if they were involuntarily moved into the excepted service. OPM subsequently issued regulations in the 1960s codifying this precedent and providing that employees whose positions were involuntarily moved into the excepted service personally remained in the competitive service.²⁰² The April 2024 final rule discussed this precedent at length.²⁰³

However, OPM's analysis of *Roth* and its implementing regulations ignored the fact that the Lloyd-La Follette Act is not in effect and has not been for nearly half a century. The CSRA superseded the Lloyd-LaFollette Act, repealing and replacing subchapter I of chapter 75 (where the relevant Lloyd-La Follette requirements had been codified). The legal basis for holding that employees moved into the excepted service remain personally in the competitive service no longer exists.

Modern adverse action procedures for most Federal employees are now found in subchapter II of chapter 75. They are derived from language contained in the Veterans Preference Act, not the Lloyd-La Follette Act. Subchapter II requires adverse action procedures for “a removal,” “a suspension for more than 14 days,” “a reduction in grade,” “a reduction in pay,” and “a furlough of 30 days or less.”²⁰⁴ While the Lloyd-La Follette Act applied to removals from the classified (*i.e.*, competitive) service, the CSRA only requires adverse action procedures for “a removal.” The change

in language indicates a change in meaning.

Further inquiry into the history of the CSRA's statutory language demonstrates that “a removal” means a “discharge” and does not cover reclassifications or transfers into the excepted service. The VPA gave procedural protections and CSC appeals to any preference eligible veteran—including those in the excepted service—who was “discharged, suspended for more than thirty days, furloughed without pay, reduced in rank or compensation, or barred for future appointment.”²⁰⁵ The VPA did not discuss removals from the competitive service as such, likely because its provisions applied to veterans in both the excepted and competitive services. Subsequent 1948 legislation gave backpay to employees returned to duty under either Lloyd-La Follette or VPA procedures.²⁰⁶ That legislation maintained the distinction between the Lloyd-La Follette Act's scope (being removed or suspended from the classified civil service) and the VPA's.

Congress then recodified title 5 in the 1960s. That legislation codified VPA adverse action procedures in subchapter II of chapter 75 and applied to “a removal.”²⁰⁷ The historical and revision notes explain that this language was supplied on the authority of the VPA and that “the word ‘removal’ is coextensive with and substituted for ‘discharge.’” The CSRA used this statutory language as the basis for its adverse action procedures, also codified in subchapter II. While it modified subchapter II's scope in some respects, the CSRA used identical language to cover “a removal”—previously defined to mean “a discharge.”²⁰⁸ Congress did not carry over the Lloyd-La Follette Act's application to any movement out of the competitive service as such.

Ordinary English and this statutory history indicate that the term “removal” in the CSRA means a discharge from the Federal service and does not encompass moves into the excepted service. Transfers into the excepted service are not adverse actions covered by subchapter II. Unlike the Lloyd-La Follette Act, nothing in the CSRA gives employees an accrued personal right to adverse action procedures or appeals before they can be moved into the excepted service.

The April 2024 final rule ignored these facts. The rule instead pointed to a 1988 OPM transition memo advising

agencies that civil service employees involuntarily moved into Schedule C positions retained adverse action procedures.²⁰⁹ That sub-regulatory guidance cited *Roth* for this proposition without further analysis. OPM did not then consider how the CSRA's revisions to chapter 75 may have affected the underlying legal framework. Upon further consideration, OPM now recognizes that the CSRA eliminated the statutory basis for extending chapter 75 procedures to cover employees reclassified or transferred into Schedule C or Policy/Career.

In the notice of proposed rulemaking OPM pointed to 5 U.S.C. 7511(c) as another source of authority for extending chapter 75 procedures to cover employees reclassified into a policy-influencing excepted service schedule.²¹⁰ That section allows OPM to “provide for the application of this subchapter to any position or group of positions excepted from the competitive service by regulation of the Office which is not otherwise covered by this subchapter.” OPM now recognizes this language does not authorize its subpart D regulations. Policy-influencing positions are “otherwise covered” by subchapter II—and expressly excluded. Further, section 7511(c) only applies to positions that OPM excepts from the competitive service; it does not apply to exceptions made by the President. Executive Order 14171 provides for the President to place positions in Schedule Policy/Career. Section 7511(c) has no application to such positions.

The April 2024 final rule also cited several cases in which the MSPB held a determination that a position is policy-influencing does not except that position from adverse action procedures unless it occurs before the employee is appointed.²¹¹ These cases either directly

²⁰⁹ 89 FR 25011.

²¹⁰ 88 FR 63876.

²¹¹ See 89 FR 25011, citing *Thompson v. Dep't of Justice*, 61 M.S.P.R. 364 (Mar. 30, 1994) (No. DE-1221-92-0182-W-1), *Chambers v. Dep't of the Interior*, No. DC-0752-004-0642-M-2, 2011 WL 81797 (M.S.P.B. Jan. 11, 2011) (Member Rose concurring) (inadvertently citing paragraph (b)(8) instead of (b)(2): “For the section 7511(b)(8) exclusion to be effective as to a particular individual, the appropriate official must designate the position in question as confidential, policy-determining, policy-making, or policy-advocating before the individual is appointed.”); *Owens v. Dep't of Health & Human Servs.*, 2017 WL 3400172 (July 31, 2017) (No. AT-0752-17-0516-I-1) (citing *Briggs* for the proposition that “a determination under 5 U.S.C. 7511(b)(2) is not adequate unless it is made before the employee is appointed to the position”); *Vergos v. Dep't of Justice*, 2003 WL 21417091 (June 6, 2003) (No. AT-0752-03-0372-I-1) (citing *Thompson* for the proposition that a “determination under the 5 U.S.C. 7511(b)(2) is not adequate unless it is made before the employee is appointed to the position.”).

²⁰¹ 215 F.2d 500 (D.C. Cir. 1954), cert. denied sub nom, *Brownell v. Roth*, 348 U.S. 863 (1954).

²⁰² These regulations were codified at 5 CFR 212.401 and were not substantively modified until the April 2024 final rule.

²⁰³ 89 FR 25010.

²⁰⁴ See 5 U.S.C. 7512.

²⁰⁵ 58 Stat. 387 (1944).

²⁰⁶ 62 Stat. 355 (1948).

²⁰⁷ Public Law 89-554, 80 Stat. 378 (1966).

²⁰⁸ See 5 U.S.C. 7512(1).

cited the MSPB's decision in *Briggs v. National Council on Disability*²¹² for this proposition, or cited cases that in turn cited *Briggs*. Analysis of *Briggs* shows these MSPB decisions do not support this holding. *Briggs* dealt with a case where the National Council on Disability dismissed its executive director, Ethel Briggs, from her position that was excepted from the competitive service by an agency-specific statute. The Council argued in response that MSPB appeals were unavailable because this position was policy-influencing. Upon appeal the MSPB found that there was no evidence the executive director position had ever been declared policy-influencing, and at the bare minimum the employee was never informed of this fact. The Board stated, without further analysis, that "fairness and due process considerations require that any determination as to the character of the position at issue here have been made in such a manner as to put the appellant on notice of the nature of the position she was considering accepting."²¹³ The MSPB concluded that a jurisdictional hearing was necessary to determine if her position had ever been designated policy-influencing. The MSPB subsequently ordered Briggs reinstated because the Council had not designated her positions as policy-influencing. The Federal Circuit affirmed without considering the question of when a position must be declared policy-influencing.²¹⁴

OPM believes *Briggs*'s analysis of the 7511(b)(2) exception was mistaken. The *Briggs* decision did not analyze the relevant provisions of title 5. The MSPB simply asserted that the timing of the declaration (if it was made) was relevant with no further statutory or legal analysis. This was an unreasoned conclusion, which a handful of subsequent MSPB cases have followed without further analysis. Such a bare record does not establish the existence of accrued personal rights to adverse action procedures for employees moved into policy-influencing positions—especially in the absence of any statutory provision for such rights.

OPM now recognizes that 5 U.S.C. 7511(b)(2) ties exceptions from adverse action procedures to the nature and status of an employees' position alone.

Their personal status or history may be relevant for other chapter 75 exceptions, such as those for probationary employees or reemployed annuitants. But it is irrelevant to the policy-influencing exception. OPM has consequently concluded that it lacked authority to issue the subpart D regulations extending chapter 75 to cover employees reclassified or moved into policy-influencing positions. OPM is accordingly now proposing to rescind these changes to subpart D.

4. Reinforce Career Status

OPM is also proposing these rules to make it clear that Schedule Policy/Career positions remain career positions. OPM is aware of widespread concerns that the prior Schedule F would be a means of converting career positions to political positions. The proposed regulations reflect Executive Order 14171's directive that employees in Policy/Career positions remain career employees who are neither expected nor required to personally support the President or his policies. However, they must nonetheless implement the President's agenda faithfully and to the best of their ability. OPM believes formally incorporating this distinction into the civil service regulations would help combat misinformation about the nature and purpose of Executive Order 14171.

D. OPM's Authority To Regulate

The OPM Director has direct statutory authority to execute, administer, and enforce the civil service rules and regulations, as well as most laws governing the civil service.²¹⁵ The Director also has authorities Presidents have conferred on OPM pursuant to the President's statutory authority.²¹⁶

Congress also gave OPM broad regulatory authority over Federal employment throughout title 5.²¹⁷ Many specific statutory enactments, including chapter 75, expressly confer on OPM authority to regulate. Pursuant to 5 U.S.C. 7514, OPM may issue regulations to carry out the purpose of subchapter II of chapter 75. The same is true with respect to chapter 43. Pursuant to 5 U.S.C. 4305, OPM may issue regulations to carry out subchapter I of chapter 43. OPM has other regulatory authority, for example, under 5 CFR parts 5 and 10, to oversee the Federal personnel system and agency compliance with merit system principles and supporting laws,

rules, regulations, Executive orders, and OPM standards.

OPM's authorities coexist with the President's direct authority over the civil service. Title 5 provides for the President to prescribe rules governing the competitive service and regulations governing admissions into the civil service.²¹⁸ OPM's regulations must comport with these presidential rules and regulations. Further, in cases where OPM issues regulations using delegated presidential authority, the President may use that authority to directly override OPM's regulations.

II. Proposed Amendments

OPM accordingly proposes amending its regulations in 5 CFR chapter I, subchapter B, as summarized below to strengthen employee accountability and improve the management of the Federal workforce.

A. Incorporating Schedule Policy/Career Into the Civil Service Regulations

OPM proposes to amend its 5 CFR part 213 regulations (the Excepted Service) to incorporate Schedule Policy/Career into OPM's civil service regulations. These changes are not legally necessary to implement Executive Order 13957, as amended, or Schedule Policy/Career; the order's provisions are self-executing and supersede OPM regulations issued under delegated presidential authority. However, it promotes clarity and reduces confusion for OPM regulations to reflect the applicable legal framework governing the civil service. Moreover, OPM independently would make these changes for the policy reasons described in this proposed rule. Subpart A of part 213 generally defines and provides for the parameters governing the excepted service, while subpart C sets forth specific excepted service schedules. OPM proposes the following changes to 5 CFR part 213:

Part 213—Excepted Service, Subpart A Section 213.101 Definitions

Section 213.101 defines terms relating to the excepted service. OPM proposes amending these definitions to add two new definitions of "career positions" and "noncareer position" for purposes of part 213. These definitions clarify the distinction between noncareer Schedule C positions and career Schedule Policy/Career positions.

OPM proposes to define a noncareer position as a position that carries no expectation of continued employment beyond the presidential administration and whose occupant is, as a matter of

²¹² See *Briggs v. Nat'l Council on Disability*, No. DC-0432930150-I-1 (M.S.P.B. Jan. 7, 1994), *aff'd* King v. *Briggs*, 83 F.3d 1384, 1389 (Fed. Cir. 1996). See also *Lal v. M.S.P.B.*, 821 F.3d 1376 (Fed. Cir. 2016); *Todd v. M.S.P.B.*, 55 F.3d 1574 (Fed. Cir. 1995). Cf., e.g., *Bennett v. M.S.P.B.*, 635 F.3d 1215 (Fed. Cir. 2011); *Jackson v. M.S.P.B.*, 251 F.3d 169 (Fed. Cir. 2000).

²¹³ *Id.*

²¹⁴ King v. *Briggs*, 83 F.3d 1384, 1389 (Fed. Cir. 1996).

²¹⁵ See 5 U.S.C. 1103(a)(5)(A).

²¹⁶ See Presidential rules codified at 5 CFR parts 1 through 10.

²¹⁷ See, e.g., 5 U.S.C. 1103, 1302, 3308, 3317, 3318, 3320; Chapters 43, 53, 55, 75.

²¹⁸ See 5 U.S.C. 3301, 3302.

practice, expected to resign upon a presidential transition. This newly defined term would encompass all positions whose appointments involve preclearance by the White House Office of Presidential Personnel. The definition of noncareer position is drawn from section 2 of Executive Order 13957, as amended, with additional gloss to describe the role of the White House Office of Presidential Personnel in political appointments.

OPM further proposes to define a career position as any position that is not noncareer. OPM notes this definition of career position would include temporary positions and term appointments, although these positions do not have tenure or typically lead to an extended career in government. OPM proposes this language to distinguish such positions—which are filled without respect to political loyalty—from noncareer political appointments for purposes of part 213. These definitions would not apply throughout the civil service regulations but would be used only for purposes of clarifying which positions are appropriately classified in Schedule C and which belong in Schedule Policy/Career.

OPM is also proposing to amend the § 213.101(a) definition of excepted service by clarifying that an employee encumbering an excepted service position is in the excepted service, irrespective of whether they possess competitive status under § 212.401(b). This is consistent with the statutory definition of excepted service, which provides that the excepted service consists of those civil service positions that are not in the competitive service or SES without any reference to an incumbent's personal history or status.²¹⁹ Title 5 also defines the competitive service by describing the nature of the positions, without respect to the incumbent's personal status.²²⁰ Nothing in the text of title 5 makes a position's location in either the competitive or excepted services contingent on the personal identity or history of the individual encumbering it. The proposed addition to paragraph (a) reflects and clarifies this statutory framework. While the D.C. Circuit held that Lloyd-La Follette procedures were necessary to remove individuals from the competitive service, as previously discussed the CSRA removed that requirement.

As will be further discussed in II(C)(3) below, however, OPM recognizes that individuals moved involuntarily from the competitive service to the excepted

service may retain competitive status—eligibility for appointment to competitive service positions—even if they themselves are in the excepted service.

Section 213.102 Identification of Positions in Schedule A, B, C, D, or Policy/Career

OPM proposes to amend § 213.102 to state that the President may place positions in Schedule Policy/Career. While Civil Service Rule 6.2 now authorizes OPM to place positions in Schedule Policy/Career, Executive Order 13957, as amended, directs OPM to make recommendations to the President about what positions should go into that schedule rather than approve agency petitions itself. The proposed amendments reflect the fact that President Trump has reserved to himself the final decision about which positions will go in Schedule Policy/Career.

Section 213.103 Publication of Excepted Appointing Authorities

OPM proposes to amend § 213.103 to include references to Schedule Policy/Career where applicable throughout.

Section 213.104 Special Provisions for Temporary, Time-Limited, or Intermittent or Seasonal Appointments

OPM proposes to amend § 213.104 to include references to Schedule Policy/Career where applicable throughout, as well as references to existing excepted service Schedules A, B, C, and D throughout. As with § 213.102, OPM does not propose to add references to Schedule E administrative law judges, retaining that for a future rulemaking.

Part 213—Excepted Service, Subpart C

Section 213.3301 Positions of a Confidential or Policy-Determining Character

Section 213.3301 sets forth the criteria for Schedule C appointments. OPM proposes to amend the heading to align with the text of Civil Service Rule 6.2, as amended by Executive Order 13957. This would describe Schedule C positions as those of a confidential or policy-determining character normally subject to change as a result of a presidential transition, rather than just positions of a confidential or policy-determining character.

OPM also proposes to modify the body of § 213.3301 to expressly define Schedule C positions as noncareer positions. Under these amendments agencies could “make appointments under this section to *noncareer* positions that are of a confidential or policy-determining character”

(emphasis supplied). The definition of noncareer would follow that which OPM proposes adding to § 213.101. These amendments would make it clear that Schedule C applies only to political appointees and has no application to career positions.

OPM also proposes to eliminate the reference in this section to the § 210.102 definition of “confidential or policy-determining.” Executive Order 14171 rendered this definition inoperative and, as discussed below, OPM is proposing to remove it from the civil service regulations.²²¹ Retaining an obsolete regulatory definition would create confusion about the applicable standards.

Section 213.3501 Career Positions of a Confidential, Policy-Determining, Policy-Making, or Policy-Advocating Character

OPM is proposing to add a new § 213.3501 to subpart C for appointments to Schedule Policy/Career of the excepted service. Schedule Policy/Career would cover “career positions of a confidential, policy-determining, policy-making, or policy-advocating character that are not in the Senior Executive Service.” Since § 213.101 defines “career position” to exclude noncareer appointments, political appointees could not go in Schedule Policy/Career. This language, as well as the schedule's name, makes it clear that Schedule Policy/Career is not to be used for patronage purposes and applies only to career employees hired based on merit.

OPM is proposing to reinforce Schedule Policy/Career's status as covering the career civil service by incorporating into these regulations E.O. 14171's directives that career employees (1) are not required to pledge personal loyalty to the President or his policies, and (2) must diligently implement and advance, to the best of their ability, the policies of the President and the administration, and that failure to do so is grounds for dismissal. This language clarifies what is required of Schedule Policy/Career employees: they do not need to personally support the President's policies, but they must execute them faithfully and to the best of their ability.

OPM is also proposing that individuals appointed to Schedule Policy/Career positions are not subject to trial periods, the excepted service equivalent of probationary periods. Since Schedule Policy/Career positions will be excepted from chapter 43 and 75 procedures throughout their service,

²¹⁹ See 5 U.S.C. 2103.

²²⁰ See 5 U.S.C. 2102.

²²¹ See section I(C)(1).

there is no need to require or administer a separate trial period in which they will serve at-will.

B. Meaning of the Phrase “Positions of Confidential, Policy-Determining, Policy-Making, or Policy-Advocating Character”

For the reasons set forth in section I(C)(2)(iii), OPM has concluded that the best interpretation of the CSRA is that the phrases “confidential, policy-determining, policy-making, and policy-advocating” and “confidential or policy-determining” are not terms of art that refer to political appointments in Schedule C. Rather, they have their plain English meaning—confidential positions or those that determine, make, or advocate for policy. 5 U.S.C. 3132(a)(2) further indicates that policy-determining and policy-making responsibilities include functions of SES members such as directing the work of an organizational unit, being held accountable for the success of specific programs or projects, or monitoring progress towards, evaluating, and adjusting organizational goals. The policy-influencing term thus potentially apply to both career and noncareer positions with policy roles. The April 2024 final rule made several regulatory changes intended to clarify that these policy-influencing terms encompass only political appointments in Schedule C. Having reconsidered this conclusion, OPM now proposes to reverse the changes made by the April 2024 final rule.

OPM proposes to amend 5 CFR part 210 (Basic Concepts and Definitions (General)), to remove the definitions for the terms “confidential, policy-determining, policy-making, or policy-advocating” and “confidential or policy-determining” added by the April 2024 final rule. That rule amended subpart A of part 210 to define these phrases to refer exclusively to political appointments. Under those amendments any career employees moved into policy-influencing positions are definitionally converted into political appointees. Removing these definitions will clarify that both political and career positions can be policy-influencing, and that the President’s decision to strengthen accountability in policy-influencing positions does not simultaneously impose a personal loyalty test.

OPM is proposing these amendments for several reasons. As discussed above, OPM now believes the best reading of the CSRA is that the policy-influencing terms encompass career positions. Moreover, even if OPM’s prior interpretation was correct, the President

has inherent constitutional authority to treat political appointments as career positions. He can always make appointments based on performance instead of political loyalty. President Trump has decided that keeping Schedule Policy/Career appointments career positions improves the administration of the executive branch. Maintaining OPM’s regulatory definition would only create confusion about how the President wants these positions treated. They are policy-influencing positions that could be made Schedule C political appointments, but where the President wants hiring and firing to instead occur based on performance. This is within the President’s constitutional prerogative, and OPM believes its regulations should facilitate rather than undermine the President’s management decisions. OPM accordingly proposes to remove conflicting regulatory definitions that classify Policy/Career positions as political appointments.

Further, Executive Order 14171 overrode these part 210 definitions and rendered them inoperative. OPM’s prior part 210 amendments were issued using delegated presidential authority, not OPM’s own statutory authority.²²² President Trump used this presidential authority to directly supersede OPM’s amendments. OPM cannot enforce regulations issued using delegated presidential authority in defiance of a conflicting presidential directive. Agencies are similarly prohibited from giving the policy-influencing definitions in 5 CFR 210.102(b)(3) and 210.102(b)(4) any force or effect. So even if OPM were not independently convinced as a matter of law and policy that the part 210 amendments should be removed—and it is—OPM would be compelled to do so to bring its regulations into conformity with the President’s directive.

The April 2024 final rule made “conforming changes” to 5 CFR 213.3301, 432.102, 451.302, 752.201, and 752.401 to “standardize the phrasing used to describe this type of position.”²²³ OPM is proposing further changes to many of these sections, as discussed in greater detail above and below. In these cases, OPM does not believe it would be appropriate to return to the language that preceded the April 2024 final rule.

However, OPM proposes to rescind the changes made to 5 CFR 451.302 and

return to the prior language of “confidential or policy-making” rather than “confidential or policy-determining” under the April 2024 final rule. This reflects OPM’s belief that “policy-determining” and “policy-making” are not synonyms for political appointees but refer to individuals involved in determining or making agency policy, respectively.

The April 2024 final rule added the term “policy-determining” to the list of characteristics which authorize excepted service positions’ exclusion from part 302 procedures. With the provisions added to 302.102(d) providing that the positions in Schedule Policy/Career will be filled using the provisions that would have otherwise applied (e.g., part 315 for competitive service positions and part 302 for excepted service positions), OPM is proposing to remove this language, which captured all policy-influencing positions including those in the new Schedule Policy/Career, as a wholesale exemption from part 302 is not appropriate.

C. Adverse Action Procedures and Appeals.

OPM’s April 2024 final rule allowed employees whose positions were moved or who were involuntarily transferred into a policy-influencing excepted service position to nonetheless remain covered by chapter 75 adverse action procedures and MSPB appeals. As explained above in section I(C)(3), OPM has concluded it did not have statutory authority to extend chapter 75 to cover employees in such positions. OPM now proposes to rescind the changes made in the prior rulemaking and clarify that chapter 75 does not apply to employees in Schedule C and Schedule Policy/Career positions. OPM is also proposing to amend its part 432 regulations to exclude Schedule Policy/Career positions from chapter 43 performance-based removal procedures.

OPM proposes these changes for several reasons. First, as discussed in section I(C)(3) above, OPM has concluded that the April 2024 final rule’s part 752 changes exceed OPM’s statutory authority. Section 7511(b)(2) of 5 U.S.C. excludes employees in policy-influencing excepted service positions from chapter 75. Nothing in (b)(2) authorizes such employees to retain an accrued personal right to adverse action procedures. The (b)(2) exclusion is tied solely to the nature of the position, not the personal status of the employee. OPM has no authority to extend chapter 75 to cover employees in positions Congress expressly excluded. OPM therefore proposes these amendments to

²²² See 5 U.S.C. 3301, 3302, and E.O. 10577. The April 2024 final rule also left unchanged the part 210 authority citation to 5 U.S.C. 1302, but none of the changes made that rule or proposed by this NPRM adjust veterans preference.

²²³ 88 FR 63872.

align the subpart D regulations with its legal authority.

Second, even if the April 2024 amendments were not unlawful, OPM would still propose these changes as a matter of policy. They are necessary to hold employees in sensitive policy-influencing positions accountable and to combat corruption. As discussed in section I(C)(2) above, adverse action procedures make effectively addressing poor performance, misconduct, or corruption very challenging. Federal employees' modal response to what happens to poor performers in their work unit is that they remain and continue to underperform. Surveys show Federal supervisors widely lack confidence in their ability to remove employees for poor performance or even serious misconduct. This has led to situations like that at the FDIC, where agencies have not taken necessary adverse actions against corrupt employees. This undermines the morale of the majority of Federal employees who work diligently.

Decades of experience with the CSRA have shown that chapter 43 and 75 procedures are difficult to use and often deter agencies from taking necessary personnel actions. This directly undermines Merit Principle Four, that employees should maintain high standards of integrity, conduct, and concern for public interest. It also undermines Merit Principle Six, that employees should be separated who cannot or will not improve their performance to meet required standards.²²⁴ These failures are especially problematic in policy-influencing positions, which help shape the whole agency's activities. Enabling the President to except policy-influencing positions from chapter 43 and 75 procedures will enable him to expeditiously remove insubordinate, corrupt or underperforming employees.

Third, and relatedly, OPM is proposing these amendments to strengthen democracy and nonpartisanship in the civil service. Under the CSRA Federal employees "enjoy a de facto form of life tenure, akin to that of Article III judges" and some "take full-throated advantage of it."²²⁵ Section I(C)(2)(ii) discusses how adverse action procedures enable career employees to inject partisanship into their official duties, and how some career employees do so.

Partisan career employees undermine the government's democratic accountability to the American people.

They can make it very difficult for agencies to implement policies they personally oppose—no matter what the voters chose. Exempting policy-influencing employees from adverse action procedures is necessary to give the President and his appointees the tools to ensure career employees actually perform their duties in a nonpartisan manner. Under OPM's proposed regulations agencies will be able to quickly separate Schedule Policy/Career employees who inject ideology or partisanship into their official duties instead of carrying out the elected President's policies. The proposed changes will help ensure the civil service is nonpartisan in fact as well as name.

The April 2024 final rule stated that concerns with poor performance, misconduct, or partisan career employees could be addressed through existing mechanisms, such as chapter 75 procedures or escalating problems to agency leadership.²²⁶ Upon further review OPM has concluded, for the reasons set forth in sections I(C)(2), that these measures have proven insufficient, and the proposed regulations are therefore necessary.

Fourth, OPM is proposing these regulations to support the new President's management policies. Americans re-elected President Trump, who has determined it is necessary to except policy-influencing career employees from adverse action procedures. Indeed, he considered it so important he signed Executive Order 14171 within hours of being sworn in for his second term. Even if OPM were not independently persuaded that these regulations were necessary (and it is), OPM would defer to the President's judgement and propose these regulations to support the President's management policies. The President is the official constitutionally vested with the executive power and entrusted with the duty to take care the law be faithfully executed. OPM regulations should support the President's civil service policies.

Accordingly, OPM proposes the following changes to 5 CFR parts 432 and 752:

Part 432—Performance Based Reductions in Grade and Removal Actions

The CSRA allows OPM to regulatorily exclude excepted service positions from chapter 43 performance-based removal procedures.²²⁷ OPM's 5 CFR part 432 regulations have long excluded

Schedule C positions as such from these requirements. The April 2024 final rule amended 5 CFR 432.102(f)(10) to (1) formally exclude excepted service employees whose positions have been determined to be policy-influencing as defined by § 210.102; (2) state that if OPM put such positions in the excepted service they are Schedule C appointments; and (3) eliminate the exception if the incumbent was involuntarily moved to an excepted service position after accruing tenure.

OPM is proposing to amend § 432.102(f)(10) to remove the reference to the § 210.102 definition, remove the language indicating policy-influencing positions excepted by OPM are necessarily Schedule C positions, and remove the proviso regarding incumbents involuntarily transferred.

These changes will bring the part 432 regulations into conformity with the changes OPM proposes making to parts 210, 213, and 752. As discussed above, OPM is proposing to remove the § 210.102 definition. Retaining regulatory references to a non-existent definition would make little sense. The civil service rules currently provide for Schedule Policy/Career, and OPM is proposing to amend part 213 to reflect this, so it would be misleading to state that Schedule C positions are the only policy-influencing positions in the excepted service. Removing the exception for involuntary transfers also follows OPM's proposed amendments to part 752 and ensures employees in Schedule Policy/Career are treated consistently in chapters 43 and 75. The proposed regulations clarify that agencies do not have to employ chapter 43 procedures to remove employees in Schedule Policy/Career for poor performance.

Part 752—Adverse Actions, Subpart B

OPM proposes to keep the changes the April 2024 final rule made to CFR 752.201—namely to modify language in 5 CFR 752.201(b)(1) to conform with the statutory language in 5 U.S.C. 7501. This proposed change to 5 CFR 752.201(b)(1) conforms the regulatory language to the decisions of the Federal Circuit in *Van Wersch v. Department of Health & Human Services*, 197 F.3d 1144 (Fed. Cir. 1999), and *McCormick v. Department of the Air Force*, 307 F.3d 1339 (Fed. Cir. 2002). OPM's proposed revision to § 752.201(b)(1) prescribes that, even if an employee in the competitive service who has been suspended for 14 days or less is serving a probationary or trial period, the employee has the procedural rights provided under 5 U.S.C. 7503 if the individual has completed one year of

²²⁴ See 5 U.S.C. 2301(b).

²²⁵ *Feds for Medical Freedom v. Biden*, 63 F. 4th 366, 391 (5th Cir. 2023) (Ho, J. concurring).

²²⁶ 89 FR 24991.

²²⁷ 5 U.S.C. 4301(2)(G).

current continuous employment in the same or similar position under other than a temporary appointment limited to one year or less. OPM believes aligning this regulatory language with the underlying statutory authority will reduce confusion and promote adherence to case law. OPM notes that retaining this language would have no impact regarding employees moved into Schedule Policy/Career and, thus, would not impede the purposes of or otherwise affect the implementation of Executive Order 13957, as amended. OPM invites comments as to whether it is appropriate to retain this amendment to part 752.

Part 752—Adverse Actions, Subpart D

Subpart D of part 752 implements subchapter II of chapter 75. Subpart D applies to a removal, suspension for more than 14 days, reduction in grade or pay, or furlough for 30 days or less. Section 7511(b)(2) of 5 U.S.C. excludes from subchapter II, and thus subpart D, excepted service employees in policy-influencing positions. OPM is proposing to revoke the changes the April 2024 final rule made to subpart D. OPM is also proposing to clarify that employees reclassified or transferred into policy-influencing positions are excluded from subpart D. These changes are expected to increase policy-influencing employees' accountability for their performance and conduct. This will combat insubordination, corruption and underperformance while strengthening nonpartisanship in the civil service.

Section 752.401 Coverage

Section 752.401 governs the scope of subpart D. Paragraph (c) lists the positions subpart D covers and paragraph (d) lists positions it excludes. In paragraph (c), the April 2024 final rule added employees who are moved involuntarily into the excepted service and employees who are moved involuntarily into a different schedule of the excepted service and still occupies either that position or another position to which the employee was moved involuntarily. These changes were intended to extend the subpart to cover employees who were reclassified or involuntarily transferred into a policy-influencing excepted position. OPM is proposing to remove these phrases throughout paragraph (c). This will clarify that employees do not remain covered by subpart D or chapter 75 procedures if they or their positions are moved into Schedules C or Policy/Career.

Paragraph (c)(7) extends subpart D to cover a competitive service employee who had competitive status at the time

the employee's position was first listed involuntarily in the excepted service and who still occupies either that position or another position to which the employee was moved involuntarily. OPM proposes to modify this to apply to an employee who was in the competitive service at the time the position was first listed under only Schedule A or Schedule B of the excepted service and who is still in that position. This proposed change reflects the fact that, as explained above in section I(C)(3), employees whose positions are reclassified into a policy-influencing schedule do not retain chapter 75 adverse action procedures or MSPB appeals. However, employees moved into non-policymaking positions (*i.e.*, Schedules A or B) are generally covered by these provisions.

The April 2024 final rule amended the § 752.401(d)(2) exclusion for policy-influencing employees to only cover positions that satisfy the § 210.102 definition of policy-influencing, namely political appointments. The rule also inserted language throughout paragraph (d)(2) providing that it does not cover positions if “the incumbent was moved involuntarily to such a position after accruing rights as delineated in paragraph (c) of this section.” OPM proposes to remove both the reference to § 210.102 and this language covering involuntary moves. Paragraph (d)(2) would instead state that employees in Schedules C or Policy/Career are exempted from subpart D's scope.

Additionally, OPM proposes to revise 5 CFR 752.401(c)(2)(ii) pertaining to 10 U.S.C. 1599e, which provided for a 2-year probationary period in the Department of Defense. This language has become obsolete as section 1599e was repealed, effective December 31, 2022, by Public Law 117–81, Section 1106(a)(1).

Section 752.405 Appeal and Grievance Rights.

Section 752.405 covers MSPB appeals of actions taken under subpart D. OPM is proposing to amend § 752.405(a) to add at the end “Employees listed under § 752.401(d) of this subpart may not appeal to the Merit Systems Protection Board under this section, irrespective of whether they or their positions were previously covered by this subpart.” This expressly states what is implicit in the amendments OPM is proposing to § 752.401: employees in policy-influencing excepted service positions are categorically exempt from subpart D's coverage and concomitant MSPB appeals. This addition is meant to promote clarity in OPM's regulations.

D. Agency Procedures for Moving Positions Into, or Between Excepted Service Schedules

OPM also proposes modifying 5 CFR part 212, subpart D, and Part 302, subpart F, to modify the procedures for moving positions into or between excepted service schedules. Specifically, OPM proposes to remove subpart F of part 302, which was created by the April 2024 final rule. OPM also proposes to amend part 212, subpart D to remove provisions inconsistent with the policies of Executive Order 14171, as well as to clarify that competitive service employees reclassified or transferred into an excepted service schedule do not remain in the competitive service but retain their competitive status.

Part 212—Competitive Service and Competitive Status, Subpart D

Section 212.401 Effect of Competitive Status on Position

OPM is proposing to revise 5 CFR part 212, subpart D, which governs the effect of an employee's competitive status on the employee's position. The April 2024 final rule modified 5 CFR 212.401(b) to provide that employees who were in the competitive service and had competitive status at the time their position was first listed under Schedule A, B, or C, or any excepted schedule created after May 9, 2024, or who were otherwise moved involuntarily to a position in the excepted service, remain in the competitive service for the purposes of competitive status and any accrued adverse action appeals while the employee occupies that position, or any other position to which the employee is moved involuntarily. This language was meant to extend chapter 75 coverage to positions moved into a policy-influencing excepted service schedule.

OPM is proposing to remove this language. In its place OPM proposes a new paragraph (b) that provides that an employee who has competitive status at the time their position is first listed in an excepted service schedule, or who is involuntarily transferred to a position in the excepted service, is not in the competitive service for any purpose but shall retain competitive status for as long as they continue to occupy such position.

These changes align OPM regulations with the 5 U.S.C. 2102 and 2103 statutory definitions of the competitive and excepted services. Title 5 defines a position's location in the excepted or competitive service solely with regard to the nature and classification of the position, without regard to an

individual's personal status or work history.

The proposed amendments further reflect the fact, discussed in section I(C)(3), that 5 U.S.C. 7511(b)(2) categorically excludes employees in positions the President has placed in the excepted service and determined are policy-influencing. OPM does not have statutory authority to extend chapter 75 to cover such employees. Nothing in title 5 provides for positions to have a hybrid competitive-excepted status. While OPM previously pointed to provisions in the Lloyd-LaFollette Act, as construed by the D.C. Circuit in *Roth v. Brownell*, as authorizing such hybrid status, the CSRA repealed and replaced that language. Nothing in the currently enacted title 5 permits employees in the excepted service to remain in the competitive service for purposes of accrued adverse action appeals. OPM has accordingly concluded that the current language in § 212.401(b) exceeds its authority under both title 5 and the civil service rules and must be removed.

Moreover, even if the current § 212.401(b) were permissible under title 5 and the civil service rules, retaining it would undermine the President's policies for increasing accountability in policy-influencing positions. OPM would accordingly propose these changes regardless to support the President's policies.

At the same time, OPM's proposed new § 212.401(b) would provide that employees with competitive status whose positions are listed in or who are involuntarily transferred into the excepted service retain their competitive status. This would allow them to retain their basic eligibility for noncompetitive assignment to a competitive position. This proposal recognizes that employees hired on a competitive basis have met the standards necessary for appointment to competitive positions, and that the President's decision to move them or their position into the excepted service says little about their underlying qualifications.

Allowing employees in excepted service positions to retain their competitive status is consistent with OPM's statutory authorities. Title 5 provides that an individual may be appointed in the competitive service only if he has passed an examination or is specifically exempted from examination by the civil service rules.²²⁸ Employees with competitive status have met this standard. OPM can allow them to keep their competitive status while they encumber an excepted

service position, and the Civil Service Rules currently provide for some excepted service employees to accrue competitive status.²²⁹ Unlike purporting to keep a position in the competitive service for purposes of adverse action procedures, this approach does not contradict any statutory mandates.

Part 302—Employment in the Excepted Service, Subpart F

The April 2024 rulemaking added a new subpart F to Part 302 prescribing procedures for moving positions into or between excepted service schedules. OPM is proposing to remove subpart F in its entirety.

5 CFR 302.601 sets forth the scope of subpart F. It applies to any situation where an agency moves a position from the competitive to the excepted service, or between excepted service schedules. It also applies any time that an employee covered by chapter 75 procedures is moved involuntarily to any position not covered by chapter 75.

Section 302.602 prescribes basic requirements for such moves or transfers. It provides that if a directive from the President, Congress, or OPM explicitly delineates the specific positions or employees that will be moved, the agency need only list the positions or employees moved in accordance with that directive and their location within the organization and provide that list to OPM.

If the directive requires the agency to select the positions or employees to be moved pursuant to criteria articulated in the directive, then the agency must provide OPM with a list of the positions or employees to be moved in accordance with those criteria, denote their location in the organization, and explain, upon request from OPM, why the agency believes they met those criteria. If the directive confers discretion on the agency to establish criteria for identifying the positions or employees to be covered then the agency must also provide OPM with the objective criteria to be used and an explanation of how these criteria are relevant.

Section 302.602 also requires agencies to (1) identify the types, numbers, and locations of employees or positions that the agency proposes to move into the excepted service; (2) document the basis for their determination that movement of the employees or positions is consistent with the standards set forth by the President, Congress, OPM, or their designees, as applicable; (3) obtain certification from the agency's Chief Human Capital Officer (CHCO) that the documentation is sufficient and

movement of the employees or positions is both consistent with the prescribed standards and with merit system principles; (4) submit the CHCO certification and supporting documentation to OPM before using the excepted service authority; (5) for exceptions effectuated by the President or OPM, list positions in the excepted service only after receiving written approval from the OPM director; and (6) for exceptions created by the President or OPM, initiate any hiring actions only after OPM publishes such authorization in the **Federal Register**.

Section 302.602(c) also stipulates that, if a position being moved to the excepted service is encumbered, the agency must provide affected employees 30 days advanced written notice. If the movement is involuntary, the agency's notice must state employees will remain covered by chapter 43 and 75 procedures and MSPB appeals. Under 302.603(d) the same requirements apply to the involuntary movement of employees.

Section 302.603 provides MSPB appeals for competitive service employees whose positions are placed in the excepted service or who are otherwise moved involuntarily to the excepted service. It also gives MSPB appeals to excepted service employees whose positions are placed into a different excepted schedule or are otherwise involuntarily transferred into a different excepted service position. Such appeals apply whenever an agency asserts the move or transfer would exclude the employee from chapter 43 or 75 procedures and subsequent appeals. Under the regulations MSPB can order the agency to nonetheless extend chapter 43 or 75 procedures to such employees. Employees can also appeal if they allege any facially voluntary moves were in fact involuntary.

OPM is now proposing to remove subpart F because it no longer remains in effect. OPM issued subpart F using delegated presidential authority.²³⁰ The President has since directly used his authority to hold this subpart inoperative. Executive Order 14171 has rendered subpart F unenforceable and without effect.²³¹

This presidential directive is self-executing, taking precedence over

²²⁸ See 5 U.S.C. 3304(b).

²²⁹ 5 CFR 6.3(a).

²³⁰ See 5 U.S.C. 3301, 3302, and E.O. 10577. OPM's authority citation for part 302 also cites 5 U.S.C. 1302 and 8151, but these are relevant only to other portions of part 302. Section 1302 deals with retaining records of competitive service examinations and applying veterans preference, while section 8151 deals with retention rights when an employee resumes service with the government. Subpart F is not relevant to these authorities.

²³¹ Executive Order 14171, sec. 4.

OPM's subpart F regulations. While OPM can modify the civil service regulations using delegated Presidential authority, the President can directly use his constitutionally and statutorily vested authority to override those regulations. OPM and MSPB are now lawfully prohibited from giving effect to subpart F. Consistent with this self-executing Presidential directive, Executive Order 14171 terminated MSPB appeal rights under subpart F. Both OPM and MSPB's regulations providing for appeals under subpart F are now obsolete. OPM therefore proposes to remove these regulations to avoid confusing federal employees about applicable legal requirements. OPM does not believe it is beneficial to keep obsolete and unenforceable regulations on the books. OPM notes that MSPB will need to make conforming amendments to its regulations at 5 CFR 1201.3(a)(12) should OPM's proposed removal of these regulations become final.

Even if OPM had discretion to keep subpart F in effect, OPM would still propose removing it. OPM would do so for several reasons. First, subpart F was expressly adopted as part of the prior administration's policy of preventing the reinstatement of Executive Order 13957. Federal policy has changed with the election of a new President. So OPM would still propose removing subpart F to avoid impeding administration policy.

Second, the Opinion Clause of the U.S. Constitution provides that the President "may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the duties of their respective offices."²³² Executive Order 14171 asks agency heads for their opinion about what policy-influencing career positions belong in Schedule Policy/Career. OPM has no authority to regulatorily limit how agency heads provide this advice. If the President wants agency heads' unvarnished opinion about what positions belong in Schedule Policy/Career, without CHCO certification, the Constitution requires them to provide it. OPM regulations cannot interfere with this constitutional duty.

Third, 5 U.S.C. 3302 gives the President primary responsibility for placing positions in the excepted or competitive services. OPM only excepts positions using delegated Presidential authority. Executive Order 14171 set up a process for the President to place positions in Schedule Policy/Career based upon recommendations from

OPM and agency heads. Even if that order had not directly overridden subpart F, it would be inconsistent with this hierarchy of authority for OPM to use delegated Presidential authority to purport to limit the President's direct exercise of section 3302 authority. OPM reports to the President, not vice versa. OPM regulations issued using delegated Presidential authority should not impede Presidential authority.

Fourth, OPM regulations cannot create an entitlement to adverse action procedures that is denied by statute. Subpart F requires agencies to notify employees moved or otherwise involuntarily transferred into Schedule F that they remain covered by chapter 43 and 75 procedures and appeals. It also authorizes MSPB to order agencies to continue to apply such procedures, and to order agencies to correct any deficient notifications.

However, as discussed in section I(C)(3), employees reclassified or transferred into a policy-influencing excepted service position are out of scope for chapter 75 as a matter of law. Section 7511(b)(2) of 5 U.S.C. precludes chapter 75 coverage and subsequent MSPB appeals in Schedule Policy/Career, no matter what notices agencies may have provided. While OPM can give MSPB jurisdiction to hear some appeals, it cannot do so in the face of a conflicting statutory mandate. Nor can MSPB require agencies to apply chapter 75 procedures to employees statutorily excluded from that chapter's coverage.

Fifth, subpart F partially transfers decisional authority over which positions can go into Schedule Policy/Career from the President to subordinate officers. Section 302.602(b)(2) would require agency CHCOs to certify movement of positions into Schedule Policy/Career. Many CHCOs are career employees. Executive orders 13957 and 14171 have proven controversial in the civil service. Some CHCOs may be unwilling to issue certifications necessary to transfer positions into Schedule Policy/Career, even if the President directs the move. This could have the effect of functionally transferring to career CHCOs the authority to except positions that 5 U.S.C. 3302 vests in the President.

Similarly, § 302.603 authorizes MSPB appeals over movements or transfers into Schedule Policy/Career. OPM previously noted "that an individual may choose to assert in any appeal to the MSPB that the agency committed procedural error, if applicable, by failing to act in accordance with the procedural requirements of § 302.602 while effecting any placement from the competitive service into the excepted

service or from the excepted service to a different schedule of the excepted service."²³³ These procedures would allow the MSPB to overturn a Presidential decision to place positions in Schedule Policy/Career based on asserted failure to comply with OPM regulations. Further, Congress designed the MSPB to be independent of Presidential control. MSPB members serve seven-year terms, and the President can only dismiss them for inefficiency, neglect of duty, or malfeasance.²³⁴ Subpart F could thus potentially transfer final control over which positions go into Schedule Policy/Career from the President to the MSPB.

Subpart F was added as part of the prior administration's effort to stymie the reintroduction of anything like Schedule F. OPM now believes that, with the change in administration and administration policy, control over the federal workforce should remain with the official constitutionally and statutorily vested with that authority—the President. OPM does not believe its regulations should give subordinate agency officials the functional ability to countermand a Presidential directive to place positions in Schedule Policy/Career. Even if the President had not directly rendered subpart F inoperative, OPM would propose these changes to restore authority to the official constitutionally vested with it and democratically accountable to the American people.

Sixth, requiring adherence to externally enforceable procedural steps with subsequent MSPB appeals seems likely to produce protracted litigation. Such litigation would create confusion about whether positions have been moved into Schedule Policy/Career and whether incumbents in those positions retain adverse action appeals. The government benefits from certainty and dispatch about position classifications and the scope of removal restrictions. Additional bureaucracy and extended litigation do not promote the efficiency of the federal service. That is particularly true when the appeals in question were overtly adopted to frustrate a Presidential priority.

OPM notes that agencies will nonetheless be required to provide justification to OPM for Schedule Policy/Career recommendations. Executive Order 13957 requires each agency to give OPM a written explanation documenting the basis for the agency heads' determination that positions should be placed in Schedule

²³² U.S. Constitution, article II, section 2.

²³³ 89 FR 25033.

²³⁴ See 5 U.S.C. 1202.

Policy/Career.²³⁵ OPM will only recommend the President place positions in Schedule Policy/Career if OPM is persuaded the classification is warranted. But OPM no longer believes that regulatorily mandating adherence to externally enforceable procedures for transferring positions into, or moving them within, the excepted service is appropriate or beneficial, especially when those procedures were adopted to undermine a presidential priority.

Authority Citations

OPM proposes to revise the authority citations for parts 210, 212, 213, 302, and 752 to comply with 1 CFR part 21, subpart B. OPM also proposes to update the citations by adding current authorities and removing obsolete citations.

E. Retaining Career Hiring Procedures

Executive Order 13957, as amended, now directs OPM to provide for the application of Civil Service Rule 6.3(a) to Schedule Policy/Career positions.²³⁶ Rule 6.3(a) allows OPM to by regulation prescribe conditions under which excepted positions may be filled in the same manner as competitive positions are filled and conditions under which persons so appointed may acquire a competitive status in accordance with the Civil Service Rules and Regulations.²³⁷ OPM is accordingly proposing to modify 5 CFR part 302, subpart A (Employment in the Excepted Service) to clarify that appointments to Schedule Policy/Career positions will be made using the hiring procedures that would have otherwise been used had the position not been moved into Policy/Career. Positions moved into Schedule Policy/Career from the competitive service will continue to be filled using procedures applicable to the competitive service, and positions moved from the excepted service will continue to be filled using excepted service procedures. Under this proposal a position's movement into Schedule Policy/Career will not affect how it is filled.

§ 302.101 Positions Covered by Regulations

Part 302 prescribes procedures governing excepted service hiring, and 5 CFR 302.101(c) lists exemptions from these procedures. For example, these exemptions include attorneys and positions included in Schedule A for which OPM agrees with the agency that

the positions should be excluded.²³⁸ In the 2024 final rule, OPM added positions excepted by statute which are of a policy-determining character to these exemptions. Based on the inclusion of noncareer positions which are of a confidential, policy-making, or policy-advocating nature in Schedule Policy/Career, which will be subject to new provisions in 302.102(d), OPM is proposing to remove this language so that the exemption in 302.101(c)(7) includes only positions in Schedule C.

§ 302.102 Method of Filling Positions and Status of Incumbent

With limited exceptions, individuals employed in the excepted service do not acquire competitive status based on that employment. By definition, competitive status means an individual's basic eligibility for noncompetitive assignment to a competitive position. An individual with competitive status may be, without open competitive examination, reinstated, transferred, promoted, reassigned, or demoted, subject to conditions prescribed by the Civil Service rules and regulations. One of those exceptions is found in 5 CFR 6.3, which allows OPM to "prescribe conditions under which excepted positions may be filled in the same manner as competitive positions are filled and conditions under which persons so appointed may acquire a competitive status" Moreover, competitive service employees whose positions are first listed under Schedules A, B, and C retain their competitive status. To create consistency in the treatment of individuals who will be transferred from the competitive service into Schedule Policy/Career positions and individuals who will be appointed to Schedule Policy/Career positions, OPM is exercising its discretion to grant competitive status to individuals appointed to Schedule Policy/Career positions after 1 year of service.

Specifically, OPM is proposing to revise paragraph (c), which currently allows OPM to specify that individuals in certain positions in the excepted service may acquire competitive status as provided in part 315. Part 315 only allows for competitive status when employed in a permanent appointment in the competitive service; however, Civil Service Rule 6.3(a) provides broader authority to OPM to provide for competitive status. Because OPM is proposing to allow individuals in Schedule Policy/Career to acquire competitive status even though Schedule Policy/Career positions are in

the excepted service, OPM is proposing conforming changes to paragraph (c) to remove the part 315 limitation.

OPM is also proposing to add a paragraph (d) to 5 CFR 302.102 that would provide that a position's movement into Schedule Policy/Career will not affect how it is filled. (Alternatively, OPM may place this provision at 213.3501.) More specifically, the regulations would provide that agencies make appointments to positions in Schedule Policy/Career in the same manner as to positions in the competitive service, unless such positions would, but for their placement in Schedule Policy/Career, be listed in another excepted service schedule. Conversely, appointments to positions in Schedule Policy/Career that would be listed in another excepted service schedule, but for their placement in Schedule Policy/Career, would be filled using the provisions that would otherwise apply to that schedule.

For example, under this proposal agencies can still use excepted service procedures to hire applicants with severe disabilities into Policy/Career positions. Such positions would otherwise be placed in Schedule A, so agencies may continue to use excepted service procedures, including the exemption from appointment procedures in 302.101(c)(11). Similarly, attorney positions would continue to be exempted from part 302 appointment procedures in accordance with 302.101(c)(8). OPM-granted governmentwide or agency-specific Schedule A authorities for which part 302 appointment procedures apply also would continue to be subject to the part 302 appointment procedures. Agencies would continue to apply competitive service hiring procedures to positions moved into Schedule Policy/Career from the competitive service.

Commentators had expressed concerns that Executive Order 13957 was an attempt to replace merit hiring with patronage appointments. Executive Order 14171 and the regulations OPM is proposing make clear those concerns are meritless.

III. Addressing Further Objections

OPM expressed serious concerns with Executive Order 13957 during the prior rulemaking. Upon further consideration OPM now concludes those concerns were unwarranted. This section provides an explanation of why OPM has changed its views and now believes Schedule Policy/Career—the successor to Schedule F—would improve the civil service.

²³⁵ E.O. 13957, sec. 5(a)(i).

²³⁶ E.O. 13957, sec. 4(b)(i).

²³⁷ 5 CFR 6.3(a).

²³⁸ 5 CFR 302.101(c)(8), (c)(6).

A. Schedule Policy/Career Rejects Patronage

Both OPM and commenters expressed significant concern that Executive Order 13957 was an attempt to resurrect the patronage or “spoils” system. In this view, the order was a vehicle to convert tens of thousands of policy-influencing career positions into political appointments. The President would then replace “qualified” career employees en masse with “unqualified” political loyalists. OPM and commentators feared that this would reduce “expertise” within the federal workforce, reduce agencies’ administrative capacity, and degrade effective government operations.²³⁹

OPM and commentators also expressed concerns such a shift would hurt agency recruitment and retention, as experienced professionals would be less likely to seek or remain in jobs where political affiliation was perceived to be a condition of employment.²⁴⁰ OPM explained that it believed “qualified individuals should discharge important functions, and [the 2024] rule is based on OPM’s determination that injecting politicization into the nonpartisan career civil service (or creating the conditions where it can be injected by individual actors) runs counter to merit system principles and would not only harm government employees, agencies, and services, but also the American people that rely on them.”²⁴¹

Upon further review, and in consideration of the policies set out in Executive Order 14171, OPM has concluded that these fears were misplaced. This order rejects the spoils system and seeks to return to the efficient, merit-based system enacted by the Pendleton Act. Nothing in the order disturbs merit hiring of career employees. It also contains safeguards to prevent patronage, such as forbidding the White House office in charge of vetting political positions from being involved with selecting Schedule Policy/Career appointees.

Section 6 of Executive Order 13957, as amended, further prohibits considering political affiliation when making Policy/Career appointments. It also expressly provides that Policy/Career employees do not have to personally support President Trump or his policies. Contrary to fears of a return to the spoils system, the President expressly forbid political loyalty tests for Policy/Career employees. At the same time the President made clear that

career employees who fail to faithfully implement administration policies to the best of their ability have failed to perform their basic work responsibilities and will be removed.

Executive Order 14171’s purpose is to increase policy-influencing employees’ accountability within the Executive Branch, thereby facilitating effective Presidential management of and reducing insubordination and corruption in the civil service. That purpose is not served by, and in fact would be undermined by, a return to patronage practices that undermine agency capacity.

OPM’s prior analysis and comments were predicated on the assumption that Executive Order 13957 was an effort to impose a political loyalty test on employees in policy-influencing positions. Executive Order 14171 rejected that approach, and those concerns are inapposite. The order instead provides that Schedule Policy/Career jobs are open to employees of any political persuasion so long as they perform well and faithfully implement the President’s agenda to the best of their abilities. This is the opposite of the patronage system, which subjected employees to dismissal upon a Presidential transition based on political affiliation alone, irrespective of their performance.

In the 2024 final rule OPM recognized that Executive Order 13957 contained similar prohibitions on prohibited personnel practices but explained it would be difficult for employees to personally enforce those protections.²⁴² This analysis ignored the fact that the President has set the parameters for Schedule Policy/Career and has ample constitutional and statutory authority to enforce his directives. These include the ability to dismiss political appointees who defy or ignore section 6’s requirements. The President has required that agencies appoint and retain employees in Policy/Career positions based on merit, not their personal political affiliation. It is OPM’s experience that compliance with executive orders governing the civil service is the norm, not the exception. OPM accordingly expects that agencies will not treat Schedule Policy/Career positions as patronage appointments in defiance of a presidential directive.

OPM notes that President Trump has strong motivation to enforce section 6’s prohibition on patronage. As OPM and commentators previously noted, hiring less qualified personnel reduces Federal administrative capacity and efficiency. Replacing experienced career employees

who are faithfully implementing Presidential directives with inexperienced political appointees would make it significantly more difficult for him to carry out his agenda.

For example, Executive Order 13957, as amended, contemplates that Schedule Policy/Career would apply to agency employees with responsibility for drafting regulations and guidance. These are complex tasks that require considerable experience with the subject matter and technical procedures. Few newly hired employees—career or noncareer—can do these jobs effectively. Generally dismissing career regulation drafters who do not share the President’s political affiliation, even if they would otherwise faithfully and expeditiously draft rules advancing his policies, would cripple agencies’ ability to engage in notice and comment rulemaking. The President accordingly has strong motivation to prevent agencies from treating regulation-drafting positions as patronage plums instead of merit positions. It may be necessary to dismiss some regulation drafters who slow-walk the production of rules they personally oppose or otherwise insert partisanship into the performance of their duties. But a President who wants agencies to implement his policies has strong incentives not to dismiss experienced regulation writers who are performing timely and quality work, no matter their personal political affiliation.

OPM also notes that the President and his appointees have additional incentives to maintain a career workforce that contains a diversity of views and opinions. Having intellectually diverse career staff analyze and critique proposed policies can help identify blind spots and problems during the policy-making process that might not be apparent to a team that shared the same political perspective. Career staff critiques, especially those coming from a political perspective that differs from political appointees, ultimately strengthens policymaking and produces better agency decisions. Even some of the strongest advocates for Executive Order 13957 have reported that Trump Administration policymakers found career staff policy criticism or “red teaming” highly valuable.²⁴³ OPM accordingly believes that agency heads would have little desire to dismiss career employees who provide candid advice that differs from their own preferences, provided those employees faithfully execute the ultimate policy decisions. Career employees, in

²³⁹ See, e.g., 89 FR 24997–25002.

²⁴⁰ 89 FR 25040–25041.

²⁴¹ 89 FR 24995.

²⁴² 89 FR 24994.

²⁴³ Sherk, *supra* note 142, at 21.

Schedule Policy/Career or otherwise, are expected to provide their frank and fearless advice to agency leadership. Doing so helps agencies make better decisions, which the President and agency leaders value. Executive Order 14171 accordingly protects disagreement and dissent.

If some officials nonetheless treat Schedule Policy/Career positions as noncareer positions OPM can help the President fix that problem when it arises. OPM will be heavily involved in the implementation of Schedule Policy/Career. If necessary, OPM can recommend additional measures to prevent abuses. But currently hypothetical concerns that agency personnel will ignore a Presidential directive are not grounds for failing to implement an executive order.

B. Bureaucratic Autonomy Undermines Democracy

In the prior rulemaking some commentators expressed, and OPM broadly agreed with, a related but distinct, concern—that the prior Schedule F would strengthen the Federal workforce’s accountability and responsiveness to the President, and this is a negative. For example, one commenter argued that the features of the “civil service that frustrate its critics—fealty to Congressional programs, dedication to government institutions, consideration of the public interest, and a mission broader than simply serving political appointees—are core components of the system established by an elected Congress almost 150 years ago.”²⁴⁴ This commenter argued that Congress has “consistently rejected a civil service that is merely an extension of a President’s will.”²⁴⁵ Another commenter argued that the “Founders were deeply concerned with the amassing of centralized power, and Schedule F frustrates the institutional design of checks and balances.”²⁴⁶ Another commenter argued that OPM’s prior rule would “help preserve the autonomy of the civil service, allowing its professionals to complete their work without arbitrary fear or favor of current elected office holders and making it possible for the government of the United States to serve its people consistently and evenhandedly across administrations.”²⁴⁷ These and other commentators essentially argued that bureaucratic autonomy is beneficial, and that career employees should be

substantively insulated from Presidential supervision.

Upon further review, OPM now disagrees with these views. America was founded on the principle of government by consent of the governed. The Government’s power flows from the American people, and the Constitution in turn holds those who exercise that power accountable to the people. Article II of the U.S. Constitution vests the Federal Government’s executive power in the President. To discharge his responsibilities under Article II the President necessarily delegates his executive power to subordinate officers and employees. Those officials must be accountable to the President, who in turn must account for their performance to the American people.

The Constitution contains multiple checks and balances to prevent the amassing of centralized power. It divides executive, legislative, and judicial power among three co-equal branches of government. Congress appropriates funds, creates agencies, and defines their powers. “An agency literally has no power to act . . . unless and until Congress confers power upon it.”²⁴⁸ The courts—whose judges are appointed by the elected President with the consent of the elected Senate—interpret the law and determine whether the executive branch has exceeded its authority. The Supreme Court has recently emphasized that the executive branch may not aggrandize its power by leaning into statutory ambiguities; courts will interpret Congressional enactments fairly.²⁴⁹ The President also requires Senate consent to appoint the principal officers who lead the executive departments. The constitutional design places many constraints on Presidential power.

However, nothing in the Constitution contemplates insulating policy-influencing officials from Presidential supervision. Instead, as the Supreme Court has often emphasized, “lesser officers must remain accountable to the President, whose authority they wield.”²⁵⁰ In this way “the Framers sought to ensure that ‘those who are employed in the execution of the law will be in their proper situation, and the chain of dependence be preserved; the lowest officers, the middle grade, and the highest, will depend, as they ought,

on the President, and the President on the community.’”²⁵¹

Bureaucratic autonomy undercuts the federal government’s accountability to the American people. If voters do not like how the President is executing the law, they can elect a new one at the next election. Partisan control of the White House has changed in four of the past five presidential elections. The threat of the opposing party winning the next election also shapes how Presidents exercise their authority.

However, career employees are by design unaccountable to the American people; they do not lose their jobs if a new President takes office. Insulating policy-influencing employees from accountability to the elected President accordingly insulates them from accountability to the American people. This enables career officials to exercise Federal power without a democratic mandate. This runs contrary to the founding principles of American government. OPM does not believe the civil service should function as an extra-constitutional and undemocratic constraint on presidential management of the executive branch. Checks and balances are instead provided through the constitutionally mandated separation of powers.

C. Schedule Policy/Career Is Lawful

Several commentators in the prior rulemaking argued that Schedule F was unlawful. OPM explained it “took no position on whether Executive Order 13957 was based on legal error” and that the rulemaking was not premised on that conclusion.²⁵² However, OPM set forth its views on those legal concerns. Many of those views suggested Executive Order 13957 was based on legal error.

OPM has reconsidered those views and now believes that Executive Orders 13957 and 14171 are squarely within the President’s constitutional and statutory authority. Even some of those orders’ strongest critics have come to the same conclusion. For example, a professor emeritus and former Dean of the School of Public Policy at the University of Maryland founded a working group to oppose Schedule F.²⁵³ He has nonetheless acknowledged that “Schedule F is constitutional” and that

²⁴⁴ 89 FR 24985.

²⁴⁵ *Id.*

²⁴⁶ 89 FR 24997.

²⁴⁷ 89 FR 25036.

²⁴⁸ *La. Pub. Svc. Comm’n v. FCC*, 476 U.S. 355, 374 (1986).

²⁴⁹ *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024).

²⁵⁰ *Seila Law v. CFPB*, 140 S. Ct. 2183, 2197 (2020).

²⁵¹ *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 561 U.S. 477, 498 (2010) (quoting James Madison).

²⁵² 89 FR 24991.

²⁵³ Erich Wagner, “Governance experts launch a group to oppose Schedule F,” Gov. Exec., (May 21, 2024), <https://www.govexec.com/workforce/2024/05/governance-experts-launch-group-oppose-schedule-f/396754/>.

opponents “need to look to tools elsewhere” than legal challenges.²⁵⁴

As discussed above, OPM believes that the policy-influencing terms encompass career positions and that employees moved into policy-influencing excepted service positions are no longer covered by chapter 75. OPM also believes that the President has authority to except positions from the competitive service for the purpose of excluding them from chapter 75 procedures and that doing so does not raise due process concerns. OPM also now recognizes that construing the CSRA to prohibit Schedule Policy/Career would raise serious constitutional concerns.

1. Positions May Be Excepted From the Competitive Service To Promote Accountability

5 U.S.C. 3302 authorizes the President to prescribe rules governing the competitive service and to provide, as nearly as conditions of good administration warrant, for necessary exceptions from the competitive service.²⁵⁵ In the 2024 rule OPM explained that it “disagree[d] that the authority to make exceptions in section 3302 also allows for the removal of incumbents’ accrued adverse action rights under chapter 75.”²⁵⁶ OPM further noted that section 3302 is placed in subchapter I of chapter 33, a subchapter addressing examination, certification, and appointment. OPM argued that section 3302 authority is consequently limited to excepting positions for reasons relating to those topics, not altering chapter 75’s coverage. Further review has led OPM to conclude that this analysis was mistaken; section 3302’s text, history, and precedents demonstrates that it allows the President to except positions from the competitive service for any reason he finds necessary, including excluding them from chapter 75.

Section 3302’s text places no restrictions on the grounds for excepting positions from the competitive service. Those decisions are left to Presidential discretion, so long as he finds it necessary and warranted by conditions of good administration. If the President

believes chapter 75 procedures are impeding his supervision of a particular position, then he may except it to bring it within the 7511(b)(2)(A) exception.

An examination of the section’s history confirms that reading. Section 3302 of 5 U.S.C. is the modern codification of the provisions of section 2, Eighth of the Pendleton Act of 1883.²⁵⁷ Section 2, First of the Pendleton Act called for the President to issue civil service rules implementing the law’s requirements, including competitive examinations. Section 2, Eighth further provided that “any necessary exceptions” from the civil service rules “shall be set forth in connection with such rules, and the reasons therefore shall be stated in the annual reports of the Civil Service Commission.”²⁵⁸ The Pendleton Act did not restrict the basis for making exceptions to the civil service rules; it merely required the President to publicly explain them. Section 2, Eighth was subsequently codified as 5 U.S.C. 633(2)(8).

Congress reorganized and recodified title 5 in 1966.²⁵⁹ That recodification created section 3302 from the former section 633(2)(8). It also placed section 3302 in subchapter I of chapter 33 as a housekeeping measure; many of the reasons for excepting positions pertain to the examinations process. But that recodification did not limit the grounds for excepting positions from the competitive service. Instead, the law explained that the “legislative purpose in enacting [] this Act is to restate, without substantive change, the laws replaced by those sections.”²⁶⁰ Under the Pendleton Act the President could except positions for any reason he deemed necessary, provided he publicly explained it. Section 3302 maintained that authority without substantive change.

OPM also now recognizes that section 3302’s location within subchapter I of chapter 33 should not be construed as implicitly limiting the grounds for excepting positions from the competitive service. The title 5 recodification act provided that an “inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline thereof.”²⁶¹ Contrary to OPM’s prior view, section 3302’s location in

subchapter I provides no indication that authority to make exceptions is limited to matters relating examination, certification, and appointment. Congress expressly provided otherwise.

The Supreme Court has also interpreted section 3302 to allow the President to except positions from the competitive service for the purpose of excluding them from chapter 75 procedures. The Court has found that “senior or policymaking positions in government may be excepted from the competitive service to ensure Presidential control, see 5 U.S.C. 2302(a)(2)(B), 3302, 7511(b)(2).”²⁶² While on the D.C. Circuit, then-Judge Kavanaugh similarly concluded that “civil service laws recognize the authority of the President or agency head to exempt certain employees from tenure protection as necessary and appropriate. *See, e.g.,* 5 U.S.C. 2302(a)(2)(B), 3301–02, 7511(b)(2).”²⁶³

The text, history, and precedents governing section 3302 confirm the President can except positions from the competitive service to bring them within the scope of the 7511(b)(2)(A) exception.

2. Schedule Policy/Career Does Not Raise Due Process Concerns

In the prior rulemaking, OPM stated that tenured Federal employees are constitutionally entitled to due process before any dismissals and any new policies affecting them must still provide constitutional due process.²⁶⁴ Under this view, Executive Order 13957 was unlawful because it permitted agencies to remove currently tenured employees without due process.

Commentators contended that this analysis was incomplete.²⁶⁵ They argued that while for-cause removal restrictions may create a property interest in continued employment, the government can abolish those removal restrictions. Doing so extinguishes the underlying property interest they create. Commenters observed that Federal courts have consistently rejected challenges to laws excluding positions from state civil service systems. The courts have held that due process is satisfied by the applicable governmental body going through the necessary procedures to modify the scope of the civil service. Employees are not entitled to an individual adjudication before the

²⁵⁴ Don Kettl, “Schedule F Can’t Be Beaten in the Courts,” *Persuasion* (Aug. 16, 2024), <https://www.persuasion.community/p/schedule-f-cant-be-beaten-in-the>.

²⁵⁵ Section 3302 can also be viewed as a Congressional recognition of the President’s inherent constitutional authority over the executive branch. OPM takes no position in this rulemaking as to whether section 3302 should be construed as a legislative grant of power to the President or a legislative recognition of power constitutionally vested in the President.

²⁵⁶ 89 FR 24992.

²⁵⁷ Public Law 16; Civil Service Act of 1883, (Jan. 16, 1883) (22 Stat. 403).

²⁵⁸ *Id.*

²⁵⁹ Public Law 89–554, 80 Stat. 378 (Sep. 6, 1966).

²⁶⁰ *Id.*, section 7(a).

²⁶¹ *Id.*, section 7(e).

²⁶² *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 561 U.S. 477, 506 (2010).

²⁶³ *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 537 F. 3d 677, 699, n. 8 (D.C. Cir. 2008).

²⁶⁴ 88 FR 63866–63867.

²⁶⁵ *See, e.g.,* Comment 4097.

government makes a policy decision to exclude them from adverse action procedures, and any subsequent dismissals are not governed by constitutional due process.²⁶⁶

OPM rejected these comments and concluded that these cases did not eliminate constitutional concerns with Executive Order 13957. OPM reasoned that the cases commentators raised involved state legislation, not administrative procedures. OPM explained that “Federal appellate courts have held that rights conferred on state employees by legislative action can be revoked, but that revocation also requires legislative action.”²⁶⁷ OPM argued that administrative action could not constitutionally modify chapter 75’s applicability to tenured employees; that would take an act of Congress.²⁶⁸

Upon further review OPM now concludes that it took too narrow a view of the term “legislative” as it is used in due process case law. It is settled precedent that individualized due process is not required when the government makes general policy (“legislative actions”) rather than makes individualized adjudications. The distinction between “legislative” and “adjudicative” actions depends on the character of the action—not which branch of government formally undertakes it.²⁶⁹

Courts follow a three-part test for determining whether a governmental action is “legislative” or “adjudicative” for due process purposes: (1) does it apply to specific individuals or to unnamed and unspecified persons; (2) does the promulgating agency consider general facts or adjudicate a particular set of disputed facts; and (3) does the action determine policy issues or resolve specific disputes between particular parties?²⁷⁰ Whether the action is formally designated legislative,

adjudicatory, or administrative is irrelevant.

For example, court orders setting minimum experience levels for trial attorneys who appear in court are “legislative” acts, notwithstanding the fact they were issued by the judicial branch. They applied to unnamed and unspecified persons, considered general facts, and determined policy issues. Thus, even though they prevented specific attorneys from practicing law before the courts, they were “legislative in nature” and did “not give rise to constitutional procedural due process requirements.”²⁷¹

This is why agency terminations through Reductions in Force (RIFs) raise no constitutional concerns. Although RIFs discharge tenured employees without providing individualized due process, they are “legislative” acts that apply to unspecified persons and flow from general policy decisions.

Executive branch reclassification of tenured employees into Schedule Policy/Career, and the concomitant exception from adverse action procedures and appeals, are straightforwardly legislative under this framework. Like RIFs, the reclassifications would apply to groups of positions as a class rather than to specific named individuals.²⁷² OPM’s recommendations will focus on general facts relating to position duties rather than adjudicate individual conduct.²⁷³ Moving positions into Schedule Policy/Career also resolves a policy question about the appropriate scope of removal restrictions in the civil service. This is legislative action for due process purposes. Moreover, even if legislative action were required, Congress unambiguously vested authority in the President to effectuate these reclassifications.

The Constitution does not require individualized due process before the President can promulgate general policies to move positions into

Schedule Policy/Career.²⁷⁴ Due process is no more required for such actions than it is for RIFs. OPM’s prior statements to the contrary relied on flawed analysis.²⁷⁵

3. Construing CSRA To Forbid Schedule Policy/Career Would Create Serious Constitutional Concerns

Upon further reflection, OPM has also concluded that interpreting the CSRA to prevent the President from excepting incumbent policy-influencing employees from chapter 75 and MSPB appeals would raise significant constitutional concerns. The canon of constitutional avoidance calls for interpreting statutes to avoid serious constitutional issues. So even if the language of title 5 did not clearly authorize Executive Order 14171—and OPM believes it does—the canon of constitutional avoidance would require interpreting it to do so.

Article II of the Constitution vests the Federal Government’s executive power in the President, who necessarily relies on his subordinates to aid in the exercise of his executive power. Presidential subordinates who exercise significant authority pursuant to law in continuing positions established by law are “Officers of the United States.”²⁷⁶ Principal officers must be appointed by the President with Senate consent, while the President alone, agency heads, or courts of law can be authorized by law to appoint inferior officers. Officers typically supervise subordinate employees with lesser authority and fewer responsibilities.

The Supreme Court has repeatedly held that Article II’s vesting of executive power in the President generally authorizes him to supervise—and, if necessary, dismiss—constitutional officers. The Supreme Court has authorized only two limited exceptions to this general rule. Congress may restrict removals of principal officers who head “multimember expert agencies that do not wield substantial

²⁶⁶ See, e.g., *Gattis v. Gravett*, 806 F. 2d 778 (8th Cir. 1986); *Pittman v. Chicago Board of Education*, 64 F. 3d 1098 (7th Cir. 1985); *Rea v. Matteucci*, 121 F. 3d 483 (9th Cir. 1997); *McMurtry v. Holladay*, 11 F. 3d 499 (5th Cir. 1993).

²⁶⁷ 89 FR 25012.

²⁶⁸ OPM now notes that Congress did take such an action when it authorized the President to exclude positions from chapter 75 procedures under 5 U.S.C. 7511(b)(2)—precisely the authority the President is now utilizing.

²⁶⁹ *Halverson v. Skagit County*, 42 F. 3d 1257, 1260–1261 (9th Cir. 1994). (“In seeking to define when a particular governmental action is ‘legislative in nature’ [courts] have eschewed the formalistic distinctions between ‘legislative’ and ‘adjudicatory’ or ‘administrative’ government actions and instead focused on the character of the action, rather than its label.”)

²⁷⁰ *Gallo v. U.S. Dist. Court For Dist. of Arizona*, 349 F. 3d 1169, 1181–1183 (9th Cir. 2003).

²⁷¹ *Id.*, at 1182–1183. See also *Brown v. McGarr*, 774 F. 2d 777, 781 (7th Cir. 1985).

²⁷² OPM notes that neither OPM nor the President will be informed of or review the names of any particular employees encumbering positions that will be moved into Schedule Policy/Career.

²⁷³ OPM has instructed agencies that the individualized characteristics and attributes of the particular employee encumbering a position are irrelevant to whether the underlying position or office itself is appropriately categorized into Schedule Policy/Career. See Guidance on Implementing President Trump’s Executive Order titled, “Restoring Accountability To Policy-Influencing Positions Within the Federal Workforce” | CHCOC (January 27, 2025), available at <https://www.chcoc.gov/content/guidance-implementing-president-trump%E2%80%99s-executive-order-titled-restoring-accountability>.

²⁷⁴ OPM further notes that the cases evaluating due process requirements for employee

reclassifications out of civil service protections involve state and local government employees, which do not raise the same separation of powers concerns inherent in limiting the President’s Article II removal authorities.

²⁷⁵ OPM also previously stated that “it is unclear which, if any, cited cases removed protections from incumbents as opposed to unencumbered positions.” See 89 FR 25012. Further review by OPM reveals that several of these cases dealt with incumbents who were dismissed after they were moved outside the scope of applicable civil service systems. See *Gattis v. Gravett*, 806 F. 2d 778 (8th Cir. 1986), *Rea v. Matteucci*, 121 F. 3d 483 (9th Cir. 1997); and *McMurtry v. Holladay*, 11 F. 3d 499 (5th Cir. 1993).

²⁷⁶ *Lucia v. SEC*, 585 U.S. 237 (2018).

executive power.” Congress can also restrict the President’s ability to remove inferior officers “with limited duties and no policymaking or administrative authority.”²⁷⁷ Further, these removal restrictions cannot be combined. In *Free Enterprise Fund v. Public Company Accounting Oversight Board* (2010), the Court held that if Congress protects the heads of a multilevel independent agency from removal, subordinate inferior officers cannot also possess binding removal restrictions.²⁷⁸ The Court held such multilevel removal restrictions would too thoroughly insulate inferior officers from accountability to the President.

The *Free Enterprise Fund* court explained that the prohibition on multilevel removal restrictions did not cast doubt on the constitutionality of the civil service for two reasons: first, most civil servants are employees, not constitutional officers covered by the rule. Second, the President has broad authority to waive adverse action procedures and appeals. Pointing to the exact statutory authority that President Trump used to issue executive orders 13957 and 14171, the court explained that “[s]enior or policymaking positions in government may be excepted from the competitive service to ensure Presidential control, see 5 U.S.C. 2302(a)(2)(B), 3302, 7511(b)(2).”²⁷⁹ The Supreme Court considered removal restrictions that the President voluntarily embraced constitutionally unproblematic because the President retained responsibility—and accountability—for that management choice. As Chief Justice Roberts explained, the “President can always choose to restrain himself in his dealings with subordinates. He cannot, however . . . escape responsibility for his choices by pretending that they are not his own.”²⁸⁰

However, the April 2024 final rule interpreted the CSRA to prevent the President from excluding tenured employees from chapter 75. This construction negates the court’s second reason for finding civil service procedures constitutional. This interpretation creates at least one—and possibly two—significant constitutional conflicts when CSRA procedures apply to constitutional officers.

First, OPM’s prior construction would constitutionally forbid applying chapter 75 to any constitutional officers with

any substantive policymaking or administrative authority. In *Seila Law v. Consumer Finance Protection Bureau* (2020), the Supreme Court held that tenure protections for officers with “limited duties and no policymaking or administrative authority” represent “the outermost constitutional limits of permissible congressional restrictions on the President’s removal power.”²⁸¹ Constitutionally, chapter 75 can only cover inferior officers with substantive policymaking or administrative authority if the President has the option of excepting them. Under the 2024 rule’s construction of the CSRA the President cannot except these officers from adverse action procedures. Accepting that interpretation means chapter 75 cannot be constitutionally applied to any inferior officer with any degree of substantive policymaking or administrative authority.

Because the Supreme Court has not provided a definitive test for officer status, it is not clear how many officials this restriction covers. However, OPM follows the advice of the Department of Justice’s Office of Legal Counsel (OLC). Drawing from Supreme Court decisions assessing officer status, OLC instructs agencies that constitutional offices are continuing positions within the Federal Government that exercise “significant authority” such as conducting enforcement activities to vindicate public rights.²⁸² Subordinate officials who act as the agents of superior officers directly vested with statutory or regulatory responsibilities generally are not officers. But officials directly vested with significant authority are officers. OPM has found multiple continuing Federal positions covered by chapter 75 that satisfy this test for a constitutional office.

For example, EEOC field offices are led by GS–15 Field Directors covered by chapter 75. EEOC field offices are agency satellite offices within the jurisdiction of larger EEOC district offices. Led by Field Directors, Field Offices perform a portion of the work assigned to the larger district office.²⁸³ Field Director’s responsibilities include planning, managing, supervising, implementing, coordinating, and monitoring the enforcement activities of the field office, including supervising their office’s activities to obtain and

approve settlements that resolve allegations of discrimination and obtain appropriate relief.²⁸⁴ EEOC regulations directly vest Field Directors with authority to serve notices of charges, make a final determination of reasonable cause, negotiate and sign conciliation agreements, dismiss charges, authorize withdrawals of charges, issue no cause determinations, negotiate settlements, and issue notices of right to sue.²⁸⁵ These significant and regulatorily vested responsibilities in a continuing position within the Federal government straightforwardly satisfy the test for a constitutional office. EEOC regulations recognize this, describing Field Directors as the “person designated as the Commission’s chief officer in each field office.”²⁸⁶ These duties also embody the broad responsibilities and substantive administrative power that *Seila Law* explains makes Presidentially binding removal restrictions impermissible.

Other agency satellite offices are similarly led by General Schedule employees who appear to satisfy the constitutional test for inferior officers. Occupational Safety and Health Administration (OSHA) Regional Area Directors occupy GS–14 positions covered by chapter 75.²⁸⁷ OSHA regulations task Area Directors with determining when and where to conduct workplace safety inspections, deciding whether to seek compulsory processes to require those inspections, determining whether to issue citations, and determining and issuing proposed penalties.²⁸⁸ They also negotiate measures to resolve serious occupational safety and health violations that involve controversial or unprecedented issues.²⁸⁹ Area Directors also have significant administrative responsibilities, being tasked with generally supervising their area office and evaluating subordinates’ performance. OSHA Directors exercise significant authority in continuing positions within the Federal government, and thus appear to meet the constitutional test for an officer of the United States. At the same time, they possess the wide-ranging duties

²⁸⁴ *USAJobs.gov*, Job Announcement number DE–11679734–23–SM. <https://www.usajobs.gov/job/681993400>.

²⁸⁵ See 5 CFR 1601.10, 1601.14, 1601.18, 1601.19, 1601.20, 1601.21, 1601.24.

²⁸⁶ 29 CFR 1601.5.

²⁸⁷ *USAJobs.gov*, Job Announcement number MS–24–BOS–OSHA–12534830–DDH. <https://www.usajobs.gov/job/807826300>.

²⁸⁸ 29 CFR 1903.4(b), 1903.7(a), 1903.14(a), 1903.15.

²⁸⁹ *USAJobs.gov*, Job Announcement number MS–24–BOS–OSHA–12534830–DDH. <https://www.usajobs.gov/job/807826300>.

²⁷⁷ *Seila Law v. Consumer Finance Protection Bureau*, 140 S. Ct. 2183, 2200 (2020).

²⁷⁸ *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 561 U.S. 477 (2010).

²⁷⁹ *Id.*, at 506.

²⁸⁰ *Id.*, at 497.

²⁸¹ *Seila Law v. Consumer Finance Protection Bureau*, 140 S. Ct. 2183, 2200 (2020).

²⁸² U.S. Department of Justice, “the Test for Determining ‘Officer’ Status Under the Appointments Clause,” Slip. Op. (Jan. 16, 2025), at 13–14, available at <https://www.justice.gov/olc/media/1385406/dl>.

²⁸³ Field Directors operate under the supervision of District Directors, who are SES members.

and substantive administrative and policymaking responsibilities that *Selia Law* holds requires full accountability to the President.

Cataloguing every position covered by chapter 75 that is likely an inferior office with substantive administrative or policymaking responsibilities is beyond the scope of this rulemaking. However, applying the “significant authority” test set out in the Supreme Court’s decisions as well as OLC’s advice, OPM recognizes that there are a significant number of such positions in absolute terms, even though they represent a small proportion of the total Federal workforce.

Second, if Congress can constitutionally insulate the heads of multi-member independent agencies from Presidential dismissal, OPM’s prior construction means chapter 75 cannot be constitutionally applied to any inferior officers in those agencies. Congress has sought to restrict the President’s authority to dismiss the heads of many independent agencies by limiting the grounds for removal, e.g., for cause. The Department of Justice has taken the position that these tenure protections are unconstitutional under *Seila Law*, as these agencies exercise significant executive authority. This issue is currently being litigated. Assuming *arguendo* that the courts reject that analysis, *Free Enterprise Fund* would not permit Congress to create double layers of for-cause removal protection for inferior officers within those agencies. Yet that would be the effect of construing the CSRA to forbid the President from excepting inferior officers in policy-influencing positions from chapter 75.

It is difficult to determine precisely how many inferior officers work in independent agencies and are covered by chapter 75. At a minimum, however, this construction would constitutionally invalidate adverse action procedures for non-Administrative Law Judge (ALJ) administrative adjudicators.²⁹⁰ The Supreme Court has held that adjudicatory duties generally make positions offices.²⁹¹ Non-ALJ adjudicators are also generally employed in general schedule, senior

level, or scientific and professional positions covered by chapter 75.

The Administrative Conference of the United States has identified over two-dozen multimember independent agencies whose heads have explicit statutory for-cause removal restrictions.²⁹² Scholars have also identified over 700 non-ALJ administrative adjudicators at these agencies. These include 40 hearing officers at the Federal Labor Relations Authority, 70 administrative judges at the Merit Systems Protection Board, 600 hearing officers at the National Labor Relations Board, and 30 administrative judges at the Nuclear Regulatory Commission.²⁹³

Assuming that courts find tenure protections for independent agencies are enforceable, construing the CSRA to prevent the President from excepting incumbent employees from chapter 75 would constitutionally invalidate tenure protections for these non-ALJ adjudicators (as well as all other inferior officers in these agencies). Under *Free Enterprise Fund*, Congress cannot give such inferior officers presidentially binding multilevel removal restrictions. Conversely, the construction of the CSRA that OPM now finds correct—that the President has statutory authority to except policy-influencing employees from chapter 75—makes maintaining chapter 75 coverage for these positions a constitutional non-issue no matter how the courts rule on tenure protections for independent agency heads.²⁹⁴

The interpretation of the CSRA the 2024 final rule advanced thus creates significant conflicts between chapter 75 and constitutional requirements for presidential supervision of inferior officers. If the President cannot except inferior officers with substantive

policymaking or administrative authority from chapter 75, then *Seila Law* requires that these officers serve at-will. Assuming *arguendo* the courts hold tenure protections for multimember independent agency heads constitutional, *Free Enterprise Fund* would forbid all inferior officers in those agencies from possessing Presidentially binding tenure protections. OPM’s prior construction of the CSRA makes applying chapter 75 procedures to a significant number of important offices categorically unconstitutional.

The “canon of constitutional avoidance” is one of the fundamental canons of statutory interpretation. As the Supreme Court has often explained, “[w]hen a serious doubt is raised about the constitutionality of an act of Congress, it is a cardinal principle that this Court will first ascertain whether a construction of the statute is fairly possible by which the question may be avoided.”²⁹⁵ If a permissible alternative reading of the statute avoids the constitutional conflict courts will adopt that interpretation rather than conclude Congress passed an unconstitutional law. The Supreme Court regularly applies this doctrine.²⁹⁶

Of relevance to this rulemaking, the Supreme Court has applied the canon of constitutional avoidance to separation of powers cases where an act of Congress threatens to interfere with the President’s constitutional responsibilities. For example, in *Public Citizen v. Department of Justice* (1989), the Supreme Court construed the Federal Advisory Committee Act (FACA) to not apply to an American Bar Association committee that advised the President about judicial nominations.²⁹⁷ Although FACA could naturally be read to encompass the committee, this interpretation would require it to meet publicly. That would infringe on the President’s ability to obtain advice in the performance of his constitutional duty to nominate federal judges. So, the Court avoided “formidable constitutional difficulties” by adopting an alternative reading of FACA that did not encompass the ABA committee.²⁹⁸

²⁹⁵ *Jennings v. Rodriguez*, 583 U.S. 281 (2018) (cleaned up).

²⁹⁶ See, e.g., *DeBartolo Corp. v. Gulf Coast Trades Council*, 485 U.S. 568, 577–78 (1988); *Bond v. United States*, 572 U.S. 844 (2014); *NFIB v. Sebelius*, 567 U.S. 519 (2012); *Northwest Austin Municipal Utility District Number One v. Holder*, 557 U.S. 193, 210–11 (2009).

²⁹⁷ *Public Citizen v. United States Department of Justice*, 491 U.S. 440 (1989). See also *Franklin v. Massachusetts*, 505 U.S. 788 (1992).

²⁹⁸ *Public Citizen v. United States Department of Justice*, 491 U.S. 440, 466 (1989).

²⁹⁰ The 5 U.S.C. 7511(b)(2) exception does not apply to ALJs, whose removal procedures are governed by subchapter III of chapter 75. ALJ removal protections do provide multiple layers of removal protections, as ALJs can only be dismissed for cause and that cause is assessed by tenure-protected MSPB members. As discussed below, these multilevel ALJ removal restrictions have been subject to considerable litigation.

²⁹¹ See *Freytag v. Commissioner*, 501 U.S. 868 (1991); *Lucia v. SEC*, 585 U.S. 237 (2018).

²⁹² Jennifer Selin and David Lewis, “Sourcebook of United States Exec. Agencies,” (Oct. 2018), at 97, <https://www.acus.gov/sites/default/files/documents/ACUS%20Sourcebook%20of%20Executive%20Agencies%202d%20ed.%200508%20Compliant.pdf>.

²⁹³ Kent Barnett and Russell Wheeler, “Non-ALJ Adjudicators in Federal Agencies: Status, Selection, Oversight, and Removal,” *Georgia Law Review*, Vol. 53, Issue 1 (2019), at 33–34, https://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=2294&context=fac_artchop.

²⁹⁴ Scholars have noted that administrative adjudication inherently involves a degree of policymaking. There are consequently strong arguments that administrative adjudicators fall within the scope of the 5 U.S.C. 7511(b)(2)(A) exception for policymaking employees. It is thus accordingly constitutionally unproblematic for chapter 75 to cover such positions as long as the President retains the latent authority to except them. See e.g., Charles H. Koch Jr., “Policymaking by the Administrative Judiciary,” *Journal of the Nat’l Ass’n of Admin. Law Judges* (2005), <https://digitalcommons.pepperdine.edu/naalj/vol25/iss1/2>.

For the reasons discussed above OPM believes the best reading of title 5 and the CSRA is that the President can exclude policy-influencing career positions and the employees encumbering them from chapter 75 procedures. Moreover, adopting this interpretation avoids the formidable constitutional difficulties that would be raised by construing the CSRA to restrict the President's ability to remove many inferior officers with important policymaking or administrative responsibilities. The canon of constitutional avoidance consequently requires construing the CSRA to allow the President to exclude incumbent policy-influencing employees from chapter 75. Courts resolve statutory ambiguities against creating unnecessary constitutional conflicts.

4. Inadequate Prior Response to Constitutional Concerns

Commenters raised these constitutional concerns during the prior rulemaking. In the final rule OPM gave several reasons for rejecting these concerns. Upon further consideration, OPM has concluded that the justifications it gave for rejecting these constitutional objections were poorly reasoned.

OPM explained that the commenters were mistaken to assert that many senior career officials are inferior officers covered by the *Free Enterprise Fund* and *Seila Law* rules. OPM stated that “it is not aware of any judicial decision holding so and the comments cite none.”²⁹⁹ As discussed above, further review has uncovered numerous positions that are likely inferior offices covered by chapter 75.

OPM stressed that the *Free Enterprise Fund* court explained that nothing in its decision “should be read to cast doubt on the use of what is colloquially known as the civil service system within independent agencies.” OPM concluded that if nothing in *Free Enterprise Fund* cast doubt on the civil service in independent agencies, it did not cast doubt on the civil service system across the executive branch more generally.³⁰⁰ This response ignored the reasons the Court gave for this conclusion: the *Free Enterprise Fund* rule applies only to constitutional officers, and the President can except policymaking civil service positions from chapter 75 to facilitate accountability.³⁰¹ OPM has since

identified numerous positions covered by chapter 75 where the incumbents are likely inferior officers. If the President cannot except those officers from chapter 75, then much of his ability to hold them accountable is negated. *Free Enterprise Fund* did not suggest that adverse action appeals are constitutionally unproblematic where they prevent the President from removing policymaking inferior officers.

OPM similarly argued that *Free Enterprise Fund* expressly declined to hold SES adverse action procedures raised constitutional concerns, even though SES have more responsibility and authority than lower-ranking officials. If restrictions on removing SES members are constitutionally unproblematic, OPM concluded, then restrictions on removing lower-level strata of career civil servants present even less of a constitutional concern.³⁰² OPM now believes this objection fails for the same reason the preceding objection did. The *Free Enterprise Fund* court reasoned that SES members' adverse action procedures are permissible precisely because the CSRA gives the President broad flexibility to waive them. As the Court explained, “entire agencies may be excluded from [the Senior Executive] Service by the President [], see, e.g., [5 U.S.C.] § 3132(c)”.³⁰³

The President, acting in coordination with OPM, can exclude any agency or agency subunit from SES adverse action procedures. Former SES members in those agencies would then fall under chapter 75. The President could then invoke section 7511(b)(2) to exclude the former SES positions from chapter 75, as positions that qualify for SES status are definitionally policy-making or policy-determining. Consequently, although removing them would take several procedural steps, SES members' adverse action appeals effectively exist at the President's sufferance. The Court recognized this flexibility and held this framework constitutionally unproblematic. The Supreme Court did not suggest that SES adverse action procedures the President could not bypass would be constitutionally acceptable.

OPM previously pointed to the Supreme Court's decision in *United States v. Arthrex* (2021), a case challenging the unreviewable authority given to Administrative Patent Judges (APJs) to cancel some patents.³⁰⁴

Arthrex, Inc. argued that this gave the APJs—inferior officers appointed by the Secretary of Commerce—significant authority that only a Presidentially appointed, Senate confirmed principal officer could constitutionally wield. The Federal Circuit Court of Appeals agreed and solved the constitutional problem by holding chapter 75 could not be constitutionally applied to APJs. This converted them into at-will employees, which the Federal Circuit concluded was sufficient to make APJs inferior officers. On appeal the Supreme Court agreed with the broad conclusion that APJs wielded more than an inferior officer's authority but crafted a different remedy. The Court instead severed restrictions on the Patent and Trademark Office's Director's authority to review patent cancellations. This prevented APJs from possessing final decisional authority for the executive branch—something only principal officers could exercise. OPM concluded that this was a limited and narrow remedy “far removed from a proposal to remove previously accrued adverse action [procedures] from thousands of traditional civil servants.”³⁰⁵

Upon further review, OPM now recognizes that the narrow remedy the Supreme Court crafted in *Arthrex* does not imply chapter 75 can be construed to restrict the President's ability to remove inferior officers with substantive policymaking or administrative authority, or to give inferior officers in independent agencies presidentially binding multilevel removal restrictions. The Supreme Court tailored the remedy in *Arthrex* to the constitutional violation. The problem in *Arthrex* was APJs exercising unreviewable authority, which was inconsistent with their method of appointment as inferior officers. Invalidating restrictions on higher-level review of their decisions precisely remedied this violation without further disruption to the statutory framework. By contrast, where the Court has agreed with separation of power challenges arguing federal officials were insufficiently accountable to the President, the Court has routinely invalidated the removal protections at issue.³⁰⁶

In the April 2024 final rule OPM stated that inferior officer status, even where it applies, does not generally require employees to be at-will.³⁰⁷ That analysis was correct but incomplete.

²⁹⁹ 89 FR 24992.

³⁰⁰ See, e.g., *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 561 U.S. 477 (2010); *Seila Law v. Consumer Finance Protection Bureau*, 591 U.S. 197 (2020); *Collins v. Yellen*, 594 U.S. 220 (2021).

³⁰⁷ 89 FR 25007.

³⁰² 89 FR 24992.

³⁰³ *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 561 U.S. 477, 506–507 (2010).

³⁰⁴ *United States v. Arthrex*, 141 S. Ct. 1970 (2021).

²⁹⁹ 89 FR 25007.

³⁰⁰ 89 FR 24992.

³⁰¹ *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 561 U.S. 477, 506–507 (2010).

The Supreme Court has upheld restrictions on removing some inferior officers. But, as discussed above, the Supreme Court has also held that inferior officers with substantive policymaking or administrative responsibilities and inferior officers whose superiors can only be removed for cause do not fall within these precedents. Insulating such officers from full accountability to the President exceeds the “outermost constitutional limits” of Congressional authority.³⁰⁸

The 2024 final rule also argued that the removal restrictions at issue in *Free Enterprise Fund* were much more stringent than those for the broader civil service. The inferior officers at issue in that case could only be removed for violations of or failure to enforce federal securities laws, while chapter 75 allows dismissal of civil servants for any reason that promotes the efficiency of the service. Recalling the Court’s admonition that nothing in *Free Enterprise Fund* should be taken to question the constitutionality of the civil service system more generally, OPM concluded that *Free Enterprise Fund* did not implicate the validity of chapter 75’s less rigorous removal restrictions.³⁰⁹

Upon further review, OPM has concluded this was a poor reading of *Free Enterprise Fund*. Throughout the majority opinion the court described the relevant violation as multiple layers of for-cause removal restrictions. While the Court noted the unusually stringent restrictions on removing Public Company Accounting Oversight Board (PCAOB) members, that was not the focus of the majority’s reasoning. The analysis instead focused on the multiple layers of for-cause removal protections.

Justice Breyer’s dissent criticized the majority for not grounding its holding on the narrow grounds for dismissing PCAOB members. He explained that the Court had “avoid[ed] so narrow a holding in favor of a broad, basically mechanical rule” and that “the only characteristic of the relationship . . . that the Court apparently deems relevant is that the relationship includes two layers of for-cause removal.”³¹⁰ While the majority opinion contested many arguments raised in Justice Breyer’s dissent, it did not take issue with this characterization. Moreover, when the majority explained why its holding did not generally implicate the constitutionality of civil service

procedures it pointed to the President’s ability to turn those removal restrictions off—not their degree of stringency. OPM believes Justice Breyer accurately characterized the majority opinion in *Free Enterprise Fund*, and the relevant constitutional rule is a prohibition on multiple levels of for-cause removal protections. The unusually narrow grounds for removing PCAOB members heightened, but did not create, the underlying constitutional violation.

Construing the CSRA to prevent the President from exempting policy-influencing officers from chapter 75 procedures would create significant conflicts with baseline constitutional requirements for Presidential supervision of the executive branch. The 2024 final rule rejected these concerns, but further consideration has persuaded OPM they are serious and meritorious. OPM believes that the best construction of the CSRA is one that avoids these constitutional issues.

5. Additional Objections

OPM also previously reasoned it would be inappropriate to construe title 5 to allow the President to except positions from chapter 75 because “the Supreme Court has cautioned against using vague statutory provisions to alter ‘fundamental details of a regulatory scheme’”.³¹¹ This was a reference to the Major Questions Doctrine, which requires agencies to point to “clear congressional authorization” before asserting novel sweeping powers.³¹²

Upon further review, OPM has determined this objection is misplaced. Congress clearly authorized the President to reclassify employees and exclude them from chapter 75 procedures.³¹³ 5 U.S.C. 7511(b)(2)(A) expressly gives the President authority to except positions from the scope of chapter 75, setting forth a two-part test: if (a) the President has determined the position is of a confidential, policy-

determining, policy-making, or policy-advocating character; and (b) excepted it from the competitive service. All positions that meet those criteria are statutorily excepted from chapter 75. Congress also used the terms “policy-determining” and “policy-making” to define thousands of expressly career positions.³¹⁴ These CSRA provisions “clearly authorize” the President to take policy-influencing career positions out of chapter 75. Congress could hardly have spoken more clearly on these matters. That is why the Supreme Court has already interpreted the CSRA to allow the President to exempt policy-influencing civil service positions from adverse action procedures.³¹⁵ This rulemaking fully complies with the Major Questions Doctrine.

Commenters in the prior rulemaking also argued that Schedule F was a novel and thus impermissible use of 5 U.S.C. 7511(b)(2). But Schedule F was far from novel. It sought to restore the removal procedures that prevailed for the vast majority of American history. The Supreme Court has recognized that the 7511(b)(2) exception can be used to strengthen accountability in policymaking positions, and as previously discussed, found the authority to do so constitutionally significant.

D. Schedule Policy/Career Will Improve Government Performance

In the April 2024 final rule OPM concluded that implementing Executive Order 13957 would undermine the government’s performance along several dimensions. Upon further consideration OPM now concludes those concerns were misplaced. OPM now believes that implementing E.O. 14171 would improve the Federal Government’s performance and accountability to the American people for several reasons.

1. Recruitment and Retention Unharmful

In both OPM’s notice of proposed rulemaking and the 2024 final rule, OPM expressed concerns that Executive Order 13957 would undermine agency recruitment and retention efforts. OPM feared it would eliminate a competitive advantage in federal hiring and recruitment, and that fear of job loss or reprisal or politicization would reduce the attractiveness of Federal jobs.³¹⁶ OPM argued that individuals “considering whether to accept a career civil service position need to know that they will be valued for their knowledge,

³¹¹ 89 FR 24992.

³¹² *West Virginia v. Environmental Protection Agency*, 597 U.S. 697 (2022).

³¹³ OPM further notes that it is not clear that the MQD applies to Presidential civil service directives. The Supreme Court has formulated the MQD as a tool for assessing the extent of Congressional delegations of authority to the executive branch. However, the President uses his own Article II executive authority to manage the Federal workforce, not delegated Congressional authority. The President could constitutionally supervise the executive branch without “clear congressional authorization” for the civil service and did so for nearly the first century of America’s existence. No theoretical basis exists for applying the MQD to situations where Congress is restricting Article II Presidential authority, as opposed to delegating its own Article I authority. Rather, the appropriate judicial tests come from applying the Supreme Court’s separation of powers precedents like *Free Enterprise Fund* and *Seila Law*.

³⁰⁸ *Seila Law v. Consumer Finance Protection Bureau*, 591 U.S. 197, 218 (2020).

³⁰⁹ 89 FR 25008.

³¹⁰ *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 561 U.S. 477, 537 (2010).

³¹⁴ 5 U.S.C. 3132(a)(2)(E).

³¹⁵ *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 561 U.S. 477, 506 (2010).

³¹⁶ 89 FR 25037, 25040.

skills, and abilities; evaluated based on merit; and not only protected from retribution for offering their candid opinions but encouraged to do so.”³¹⁷ OPM expressed related concerns that Schedule F could disrupt agency missions by destabilizing the civil service, with large numbers of experienced staff leaving their positions during each change of administration. OPM argued the final rule was needed in part to avoid such losses of experienced staff, and also the cost of recruiting and replacing employees who leave after their positions are transferred to Schedule F.³¹⁸

OPM believes that the new Schedule Policy/Career will not create substantive recruitment and retention concerns or service disruption. To the extent that assessment is mistaken, however, OPM believes benefits of Schedule Policy/Career outweigh any such potential costs.

Many of OPM’s previously expressed concerns were related to the belief that Executive Order 13957 was an attempt to politicize career positions and create a new *de facto* schedule for political appointees. Such a proposal would naturally lead to mass dismissals of incumbent employees who did not share political affiliation with the President of the day. It would also lead to recruitment concerns, as many prospective employees would not be interested in what are by definition short-term political positions. However, as discussed in section III(A), Executive Order 14171 rejected that approach. The order clarifies that Schedule Policy/Career positions are definitionally career—not political—appointments and requires filling them using standard career hiring procedures. The order also provides that political loyalty to the President must not be a prerequisite of holding Schedule Policy/Career positions and requires agencies to establish procedures to ensure compliance with its directive, to the extent these are not already in place.

Schedule Policy/Career positions remain career positions, and employees who perform well and faithfully implement the President’s agenda to the best of their ability have little reason to fear dismissal based on non-merit factors. Firing experienced policy-influencing employees who are helping advance his policy agenda would undermine the President’s ability to implement that agenda. The President has unsurprisingly forbidden agencies from doing so. Dismissals of policy-influencing career employees, to the

extent they occur, would instead be concentrated among poor performers, corrupt employees, or those who injected partisanship into the performance of their duties. While dismissing such employees may create some disruption, over the long-term the government benefits from employing a high-performing and ethical workforce that understands that democracy requires subordinating their personal policy preferences to those of the voters. Consequently, OPM expects Schedule Policy/Career would not bring about the destabilizing separations commenters and OPM previously feared would occur under the proposed Schedule F, nor would it necessarily lead to losses of institutional knowledge or reduced employee investment in skills within agencies.

OPM also does not believe that Schedule Policy/Career would impair Federal recruitment and hiring efforts. Employees considering whether to apply for a Policy/Career position would know that they will be valued for their knowledge, skills, and abilities and evaluated based on merit. They would also be filling long-term positions that would not typically disappear upon a change in administration. OPM also notes that systematically retaining poor performers, or those who engage in serious misconduct such as that which occurred at the FDIC, harms employee morale and can hurt recruitment and retention.

It is true that adverse action procedures and appeals give Federal employees greater job security than exist in most other jobs. To the extent that workers value this job security, Schedule Policy/Career’s removal of adverse action procedures would reduce the relative value of the total Federal compensation package. However, OPM no longer believes that this change will significantly impair federal recruitment or hiring.

Even excluding the value of job security, the Federal Government offers a more generous benefits package than most comparable private-sector employers. For example, the Federal Government provides its employees with both defined benefit and defined contribution retirement plans. Very few private employers offer comparably generous retirement benefits. As a result, the Government generally offers Federal employees a benefits package that exceeds what they could expect to earn elsewhere. Congressional Budget Office data shows that Federal employees with a bachelor’s degree receive \$31.70 an hour in non-wage benefits, while comparable private-sector workers receive only \$22.00 an

hour in non-wage benefits. For employees with a Master’s degree, those figures are \$33.50 and \$26.20 an hour in the Federal and private sectors, respectively.³¹⁹ So even if Schedule Policy/Career reduces job security to some degree, the Federal Government will still offer a highly competitive benefits package. The vast majority of American employers also operate at-will. Consequently, agencies will not operate at a disadvantage in this regard vis-à-vis alternative jobs that prospective civil servants could apply for.

In the 2024 rule OPM expressed concerns that Executive Order 13957 could impede agencies’ ability to hire scientific and technical personnel, particularly for cybersecurity positions.³²⁰ Commenters pointed out that such positions do not appear eligible for the policy-influencing exception. In response, OPM explained its belief these could reasonably be considered confidential positions and thus eligible for inclusion. OPM also cited responses from commenters, including those in IT positions, who said that inclusion in Schedule F would dissuade them from seeking federal employment.³²¹

OPM does not believe including technical positions in Schedule Policy/Career would hurt agency recruitment or retention efforts. But, after reviewing E.O. 14171, OPM also sees little likelihood that purely technical positions like cybersecurity personnel would move into Schedule Policy/Career. This schedule applies to career employees who can shape agency policy through the performance of their duties. That does not generally describe cybersecurity staff, auditors, or other highly technical positions. Neither section 5 of Executive Order 13957, as amended, nor OPM’s guidance tells agencies to consider recommending such positions. To the extent that the policy-influencing terms could be seen as encompassing such technical positions, and agencies recommend putting cybersecurity staff into Schedule Policy/Career, OPM does not plan on making that recommendation to the President. Schedule Policy/Career is not meant for line cybersecurity or other technical employees. It is intended for employees whose work directly influences agency policy.

³¹⁹ Congressional Budget Office, “Comparing the Compensation of Federal and Private-Sector Employees in 2022,” (April 2024) at 15, <https://www.cbo.gov/system/files/2024-04/59970-Compensation.pdf>.

³²⁰ 89 FR 24994, 25043–25044.

³²¹ 89 FR 24994.

³¹⁷ 89 FR 24984.

³¹⁸ 89 FR 25038, 25040, 25044.

Finally, even if OPM believed that Schedule Policy/Career would impair agency recruitment and retention efforts, such costs must be considered alongside the benefits discussed above. The President has determined that these benefits outweigh the costs. Constitutionally and statutorily, the President is the individual authorized to weigh those policy costs and benefits and decide which course of action to pursue. The President has determined that the challenges discussed in section I(C) above necessitate creating Schedule Policy/Career. It is OPM's responsibility to assist the President in the carrying out of his duties, not vice versa. Consequently, even if OPM were not independently persuaded that the benefits of Schedule Policy/Career outweigh the costs—and OPM is—the office would defer to a Presidential judgement on the matter and adopt the same conclusion.

2. Improving Performance Management

In the 2024 final rule OPM stated that it believed Executive Order 13957 was poorly designed as an effort to meaningfully improve performance management or allow managers to more effectively address performance issues because the characteristics of an employees' job—including whether the employee works on policy—has nothing to do with their performance. OPM reasoned that because Executive Order 13957 sought to streamline terminations based on the type of work that an employee performs, not based on how well they employee performs, it was difficult to understand how Schedule F would help address poor performance.³²²

OPM also asserted that an executive order exempting employees from the scope of chapter 43 and 75 procedures would not effectively address the complexity of the various remedial schemes Congress has created. For example, Schedule F would not prevent a particular employee from lodging a complaint of unlawful discrimination under the various civil rights statutes; would not stop administrative judges of the Equal Employment Opportunity Commission from presiding over discovery in relation to such complaints and adjudicating them; and may result in decisions adverse to managers that will then be non-reviewable in a Federal court. OPM also argued that excepting individuals from adverse action procedures may lead to them attempting to file constitutional claims in Federal district courts.³²³

Upon further review, OPM has concluded that these concerns are not a reason to avoid implementing Schedule Policy/Career. Neither Executive Order 13957 nor Executive Order 14171 claimed to solve performance management challenges across the entire Federal workforce. Instead, they explained that poor performance by policy-influencing employees is especially problematic because they shape how the agency itself executes its mission. So, while OPM agrees with the fact that an employee encumbers a policy-influencing position says nothing about their individual performance, OPM now recognizes that it says a lot about the ramifications if they perform poorly. As explained in section I(C)(2)(i), OPM now also acknowledges that chapter 43 and 75 procedures make it difficult for supervisors to effectively address poor performance or misconduct. The President has determined, and OPM agrees, that heightened performance accountability is necessary in policy-influencing positions. Executive Order 13957 is not intended to address all performance management across the entire federal workforce, but to address the serious consequences of poor performance by the subset of the workforce in policy-influencing positions.³²⁴

While it is true that policy-influencing employees could still file Equal Employment Opportunity (EEO) complaints, and such complaints could increase as a result, OPM believes this will not eliminate the benefits of Schedule Policy/Career. For one, EEO complaints are generally limited to charges of unlawful discrimination. Terminations for misconduct or poor performance are out-of-scope for EEO appeals unless they are also discriminatory. OPM believes that such discriminatory terminations would be rare and that employees would have difficulty successfully claiming warranted terminations were pretextual. Second, OPM notes that while agencies cannot generally appeal decisions by an EEO administrative judge to federal court, they can appeal EEOC administrative decisions, after issuing a final order not fully implementing a decision, to the full Equal Employment

Opportunity Commission (EEOC).³²⁵ The at-will principal officers who run the EEOC can police any efforts by rogue administrative judges to convert EEO appeals from a process to prevent invidious discrimination to de facto adverse action appeals.

With respect to appeals to district court, binding Supreme Court precedent holds that the CSRA is the exclusive remedial statutory framework for adverse action appeals and judicial review.³²⁶ Employees the CSRA statutorily precludes from appealing adverse actions cannot obtain judicial review in Federal court. Indeed, the CSRA was passed in large part to create a unified framework for judicial review of adverse actions instead of a patchwork of district court rulings. Executive Order 13957 provides for internal executive branch procedures to prohibit unlawful discrimination. The CSRA does not give district courts jurisdiction to separately hear challenges to Policy/Career dismissals.

E. Reliance Interests

OPM previously concluded that several groups had settled expectations or reliance interests in maintaining the scope of chapter 43 and 75 procedures, and that these interests warranted issuing the final rule. These groups included tenured federal employees, who have taken career jobs and invested in agency-specific expertise with the expectation that they would possess adverse action procedural and appeal rights.³²⁷ They also included the American public, which relies on a non-partisan civil service in many aspects of their lives. OPM concluded that “by ensuring that the civil service is staffed by individuals chosen for their merit and protected from political winds, we ensure a more stable, effective, and reliable government.”³²⁸ OPM similarly concluded that Congress has a vested interest in a well-functioning federal workforce, as that workforce is tasked with carrying out the programs Congress authorizes.³²⁹ OPM further concluded that the 2024 rule would provide valuable certainty to regulated entities, as a non-partisan federal workforce promotes regulatory stability that has many benefits, while “substantial turnover in federal staff in service of whipsaw changes to federal regulations can cause turmoil for partners and regulated entities.”³³⁰

³²⁴ It is a basic principle of administrative law that agencies may tackle regulatory issues piecemeal over time by focusing on the most pressing matters first. See *Alon Ref. Krotz Springs, Inc. v. Env't Prot. Agency*, 936 F.3d 628, 659 (D.C. Cir. 2019) (explaining that agency “discretion properly includes judgments about the scope of rulemakings and when to relegate ancillary issues to separate proceedings: ‘Agencies, like legislatures, do not generally resolve massive problems in one fell regulatory swoop’” (quoting *Massachusetts v. E.P.A.*, 549 U.S. 497, 524 (2007))).

³²⁵ See 29 CFR 1614.405(c).

³²⁶ *United States v. Fausto*, 484 U.S. 439 (1988).

³²⁷ 89 FR 24999, 25014.

³²⁸ 89 FR 25004.

³²⁹ 89 FR 25005.

³³⁰ *Ibid.*

³²² 89 FR 24995.

³²³ *Ibid.*

Upon further review OPM has concluded that the concerns that motivated these reliance interests are largely misplaced, and to the extent they exist these reliance interests are outweighed by the policy benefits of the proposed rule. As discussed in section III(A) above, Executive Order 13957 is not intended to facilitate—and in fact expressly prohibits—converting career positions into political appointments. Schedule Policy/Career positions will be filled using the same nonpartisan procedures that apply to the rest of the civil service. The civil service will remain professional, non-partisan, and effective under this proposed rule; the rule would simply strengthen policy-influencing appointees' accountability to the President whose power they wield.

Many Federal career employees accepted their positions in the expectation they would possess adverse action procedural and appeal rights and the significant job security they entail. They invested in agency-specific expertise in the expectation their tenure would last beyond the four or eight years of a Presidential administration. Placing these employees in Schedule Policy/Career makes them functionally at-will, a significant change to their settled expectations. However, OPM believes that the prejudice to such employee reliance interests is small. Even if it were not, the policy benefits to the executive branch would outweigh them.

Employees who faithfully perform their jobs to the best of their ability have little to fear from Schedule Policy/Career. The order expressly prohibits discrimination based on political affiliation, and agencies have strong incentives not to dismiss employees who are competently performing their assigned duties. Doing so would undermine their ability to complete their mission. Employees should be assumed to understand their performance expectations when they take their jobs. Merit Principle Four requires employees to maintain high standards of integrity and conduct, and Merit Principle Six directs agencies to separate employees who do not improve inadequate performance.³³¹ The employees at risk of dismissal are those who fail to perform adequately or who engage in serious misconduct such as corruption or injecting their personal politics into the performance of their official duties. Congress has made it clear that the civil service benefits from such employees' removal. In such instances, an employee's actual reliance

interest is the ability to violate merit principles with little risk of removal—which is not a legitimate reliance interest.

Further, OPM has concluded that the harms identified in section I outweigh any reliance interests employees in policy-influencing positions may possess. Poor performance, misconduct, corruption, and career employees injecting partisanship into the performance of their official duties are serious problems that undermine the efficiency and integrity of the service. Democracy depends on a nonpartisan civil service in which career employees effectively and faithfully implement the law and the policies of the elected President to the best of their ability. In our system of government, any reliance interests by policy-influencing career employees on the availability of adverse action procedures and appeals should be subordinate to the necessity of a competent, ethical, and democratically accountable government.

Finally, the President has determined that the harms discussed in section I outweigh any reliance interests in the status quo. The President is the individual statutorily and constitutionally vested with authority to make that determination. Even if OPM were not independently convinced of that fact—and it is—OPM would defer to a Presidential determination weighing the costs and benefits of prospective changes to the civil service rules and regulations.

IV. Regulatory Analysis

A. Statement of Need

The President has determined, and OPM independently agrees, that implementing Executive Order 14171 and effectuating Schedule Policy/Career is necessary to improve executive branch operations. This proposed rule would assist in carrying out that policy. As discussed extensively throughout the preamble, adverse action procedures and appeals make it prohibitively difficult for agencies to remove employees for all but the worst performance and conduct. This has led to significant problems with serious misconduct and corruption going unaddressed in contravention of Merit Principle Four, agencies failing to separate persistent poor performers in violation of Merit Principle Six, and many employees injecting partisanship into their duties and seeking to advance their personal political agendas while on the job. These problems are particularly acute in policy-influencing positions. Moving policy-influencing positions into Schedule Policy/Career

will remove procedural impediments to holding career officials accountable for their performance and conduct, while retaining their status as career employees appointed based on merit.

The principal provisions of the April 2024 final rule have also either been rendered inoperative or OPM has concluded they exceed its statutory authority. OPM believes it is inappropriate to maintain obsolete or unlawful regulatory provisions.

B. Regulatory Alternatives

An alternative to this rulemaking is to not issue a regulation while increasing training for managers and supervisors in how to use chapter 43 and 75 procedures. OPM has concluded this is not a viable option. Prior attempts to address the management challenges created by adverse action procedures and appeals through better use of the existing framework have failed. MSPB research shows that only two-fifths of Federal supervisors are confident they could remove an employee for serious misconduct, and just one quarter are confident they could remove an employee for poor performance.³³² Neither OPM nor the President believe that additional training or greater management support would be sufficient to eliminate this problem, or the problem of career employees injecting partisanship into their official duties.

Furthermore, OPM is statutorily tasked with executing, administering, and enforcing the civil service rules and regulations of the President.³³³ Executive Order 13957 amended the civil service rules to create Schedule Policy/Career. Declining to help the President execute this directive would be a dereliction of OPM's statutory duty.

Relatedly, Executive Order 14171 rendered several provisions of the 2024 final rule inoperative and without effect. Subpart F of part 302 and § 210.102(b)(3) and (b)(4) of title 5, Code of Federal Regulations, no longer reflect the operative legal standards governing the federal workforce. As OPM explained in the 2023 notice of proposed rulemaking, retaining out-of-date information in a Government regulation can confuse agencies, managers, and employees and produce unintended outcomes. Human resources specialists or managers may inadvertently rely on these particular regulations.³³⁴

³³² U.S. Merit Sys. Prots. Bd., "Remedying Unacceptable Employee Performance in the Federal Civil Service," p. 15. *supra*, note 93.

³³³ 5 U.S.C. 1103(a)(5).

³³⁴ 88 FR 63879.

³³¹ 5 U.S.C. 2301(b).

For example, employees moved into Schedule Policy/Career who review OPM's § 210.102 definitions could be given the mistaken impression that they have been converted into political appointees because those regulations state policy-influencing positions are only political appointments. However, Executive Order 13957, as amended, provides that employees in Schedule Policy/Career remain career appointees who can expect to keep their jobs across changes of administration as long as they perform effectively and faithfully implement each new administration's policies to the best of their ability. OPM believes it is important that its regulations promote knowledge of applicable civil service requirements, rather than spreading misinformation. Declining to update its regulations to reflect operative legal requirements is thus not a viable option.

OPM also considered implementing Executive Order 13957, as amended, but permitting incumbent employees who are reclassified or moved into Schedule Policy/Career to retain adverse action procedures and appeals. This would functionally make Schedule Policy/Career effective only for new hires, not existing employees, and would entirely sidestep concerns about impairing employee property interests in their jobs. OPM nonetheless concluded that this approach would not satisfy policy or legal concerns.

As a matter of policy, applying Schedule Policy/Career prospectively would negate most of the benefits of the rule during this presidential administration. The heightened accountability would apply only to new hires, who are a minority of the policy-influencing workforce. Most employees in policy-influencing positions would retain the adverse action procedures and appeals that substantially reduce their accountability to the President. Moreover, the most senior and experienced policy-influencing employees would remain exempt. These are the employees most important to cover under the rule, as poor performance or misconduct in the course of their duties has the largest impact on agency operations. Executive Order 13957, as amended, also requires agencies to include existing positions in their reviews.³³⁵ It would frustrate the purposes of the order to allow employees moved into Schedule Policy/Career to remain covered by chapter 75 procedures.

As a matter of law, OPM has, as previously discussed, concluded that the 2024 rulemaking's additions to part

752, subpart D exceeded its statutory authority. Section 7511(b)(2) of 5 U.S.C. categorically excludes from chapter 75 procedures excepted service employees in policy-influencing positions. Nothing in the CSRA or elsewhere in title 5 provides for incumbents in such positions to retain adverse action procedures and appeals. Even if OPM wanted to extend adverse action procedures and appeals to employees moved into Schedule Policy/Career, it lacks statutory authority to do so. Retaining the subpart D amendments that purport to provide such adverse action procedures is thus not legally viable.

C. Impact

OPM is proposing these revisions to align the civil service regulations with operative legal requirements in Executive Order 13957, as amended. OPM believes that Executive Order 14171 rendered 5 CFR 210.102(b)(3) and (b)(4)'s definition of the policy-influencing terms inoperative, as well as 5 CFR part 302, subpart F. To the extent these rules as finalized simply comport OPM regulations to existing law, OPM believes that they will have a negligible impact on agencies. If OPM took no action these provisions of the civil service regulations would remain inoperative and without effect, but their presence would likely foster confusion in the federal workforce.

The main change that finalizing OPM's proposed regulations would cause is reversing the April 2024 final rule's amendments to Part 752, Subpart D. Under OPM's proposal employees reclassified or moved into Schedule Policy/Career positions would no longer remain covered by chapter 43 and 75 procedures or MSPB appeals. As previously discussed, OPM now believes that the changes made by the 2024 final rule exceeded its statutory authority and thus were unenforceable in any event. But, if a reviewing court held that the Subpart D regulations were a permissible discretionary policy choice, the proposed rescission of those regulations on policy grounds would increase policy-influencing employees' accountability to the President for their use of his executive power.

To the extent policy-influencing employees who are engaged in misconduct or performing poorly respond to this heightened accountability by improving their performance and conduct, the rule will generally improve agency operations irrespective of whether separations occur. However, agencies may find it necessary to use this authority to expeditiously separate some policy-

influencing employees for poor performance or misconduct. Such removal proceedings would occur more quickly and at lower cost than under current procedures.

D. Costs

In the 2024 rulemaking OPM concluded that implementing Schedule F would adversely affect agency recruitment and retention efforts. As discussed above, OPM has reconsidered those concerns and finds them unpersuasive. They were predicated on the assumption that the policy-influencing exception to chapter 75 would be used to resurrect the spoils system and convert large numbers of career positions to short-term political appointments. Executive Order 13957, as amended, provides that Schedule Policy/Career positions remain career appointments, filled using civil service hiring procedures, and forbids agencies from filling them based on political contributions or affiliation. Accordingly, OPM concludes that Schedule Policy/Career will not incur the costs it previously expected of Schedule F.

Agencies, if they have not done so already, must also update their internal policies and procedures to ensure compliance with Executive Order 13957, as amended, and the amendments it made to the civil service rules. OPM conforming its regulations to the operative legal requirements will not impose additional costs on agencies. However, if OPM finalizes this rule, agencies would be required to update their internal policies and procedures to conform to the regulatory amendments this rule proposes to parts 432 and 752. Since these proposed revisions rescind existing regulatory requirements to follow adverse action procedures and appeals, the rule would not increase agency compliance costs beyond updating internal procedures. In addition, this rulemaking would relieve agencies of any litigation costs that would have arisen under the appeal rights created by 5 CFR 302.602.

The rule would affect the operations of more than 80 Federal agencies, ranging from cabinet-level departments to small independent agencies. The cost analysis to update policies and procedures assumes an average salary rate of Federal employees performing this work at the 2025 rate for a GS-14, step 5, from the Washington, DC, locality pay table (\$161,486 annual locality rate and \$77.38 hourly locality rate). As in the 2024 rulemaking, OPM assumes the total dollar value of labor, which includes wages, benefits, and overhead, is equal to 200 percent of the

³³⁵ E.O. 13957, sec. 5(b).

wage rate, resulting in an assumed labor cost of \$154.76 per hour.

OPM estimates that the cost to comply with updating policies and procedures in the first year would require an average of 40 hours of work by employees with an average hourly cost of \$154.76 per hour. Upon publication of the final rule, this would result in first-year estimated costs of about \$6,200 per agency, and about \$495,000 governmentwide. There are ongoing costs associated with routinely reviewing and updating internal policies and procedures, but these costs will be incurred with or without the changes proposed here.

OPM estimates that approximately 50,000 positions would be moved or transferred into Schedule Policy/Career, about two percent of the Federal civilian workforce. The President may move a greater or smaller number of positions, but OPM believes this is a reasonable preliminary estimate. Of those positions moved into Schedule Policy/Career, OPM estimates 45,000 would be filled by incumbent employees and 5,000 would be vacancies filled by new hires upon the conclusion of the hiring freeze.³³⁶

OPM estimates that the 45,000 incumbent employees whose positions are moved into Schedule Policy/Career will incur some costs associated with these changes in the first year following publications of this rule. These employees will need to familiarize themselves with the changes in their rights and responsibilities due to their shift into Schedule Policy/Career. Once they've familiarized themselves with these changes, they may reconsider their approach to various work assignments, for example to improve performance, and they may consider seeking alternative employment. OPM estimates these 45,000 employees will spend an average of four hours total familiarizing themselves with these changes and determining the best course of action to respond to these changes. OPM assumes that these employees have average salary equivalent to Federal employees at GS-15, step 5 in the Washington, DC locality (\$189,950 annual locality rate and \$91.02 hourly locality rate). OPM again assumes the total value of labor is 200 percent of the hourly wage rate, for a total average hourly cost of \$182.04. This implies total first year costs along these lines of approximately \$32.8 million. OPM estimates that new hires

will incur no additional costs related to changes proposed here.

OPM requests public comment on the costs generated by this rule.

E. Benefits

Excepting incumbent employees from chapter 43 and 75 procedures and MSPB appeals would reduce agency expenses during separations. Currently approximately one-quarter of one percent of tenured federal employees are dismissed for performance or conduct annually. Applying that percentage to the 45,000 incumbents estimated to be moved into Schedule Policy/Career implies that, in the absence of the rulemaking, agencies would be expected to separate 112 such employees annually.

OPM assumes that the exemption from chapter 75 will reduce the time agency supervisors and senior human resources staff must spend on each separation, prior to any administrative appeals, by a collective 600 hours, or 67,200 hours across all separations.³³⁷ The cost analysis assumes an average salary rate of Federal supervisors and senior HR personnel performing this work at the 2025 rate for a GS-15, step 5, from the Washington, DC, locality pay table (\$189,950 annual locality rate and \$91.02 hourly locality rate). OPM again assumes the total value of labor is 200 percent of the hourly wage rate, for a total average hourly cost of \$182.04. This implies total annual agency savings of \$12.2 million.

OPM further assumes that one-quarter of those separations would have otherwise resulted in initial MSPB appeals, or 28 appeals in total. OPM assumes supervisors and other senior agency HR personnel would spend 120 hours preparing evidence, providing testimony, and otherwise preparing for each such appeal, and agency attorneys would spend a further 100 hours reviewing evidence, preparing submissions, and arguing each appeal. OPM assumes initial MSPB decisions will be decided by MSPB administrative judges who are also paid at the GS-15, step 5 level, and they will spend 20 hours conducting each hearing and preparing their decision. This cost analysis again assumes an average hourly cost of \$182.04 for supervisors and HR personnel, and the same labor cost for MSPB administrative judges. The attorneys are assumed to be GS-14, step 5 employees receiving Washington, DC locality pay (\$161,486 annual

locality rate and \$77.38 hourly locality rate). With the total value of labor at 200 percent of hourly pay, the average hourly cost of an attorney is \$154.76 per hour. This implies that agencies save \$33,000 for each MSPB appeal forgone, for a total of \$ 0.9 million in annual savings government-wide.

Thus, having these separations proceed through Schedule Policy/Career procedures instead of chapter 43 or 75 would be expected to save agencies approximately \$13.2 million.³³⁸ This figure excludes the cost of appeals to the full MSPB and potentially federal court. As another consideration with respect to potential litigation, OPM notes that the number of Equal Employment Opportunity (EEO) complaints may increase as employees placed under Schedule Policy/Career will no longer be able to file initial appeals with the MSPB. Employees may turn to EEO as another avenue to contest agency actions. Consequently, some of the savings might not be realized. However, we do not have data on the potential number of EEO complaints, and it would be speculative to assign a cost.³³⁹

However, OPM expects that there would be significant additional benefits from the proposed rule that are harder to quantify. Increased accountability would be expected to incentivize employees, where applicable, to improve problematic performance and conduct. This would produce large gains in agency efficiency, but OPM does not have a reasonable basis for estimating the magnitude of these gains and thus cannot quantify them across agencies. Similarly, higher employee performance and greater adherence to nonpartisan norms would be expected to reduce the time it takes agencies to conduct rulemakings. This would allow the public to experience the benefits of new rules sooner. OPM expects these benefits vastly outweigh the benefits of reducing HR costs during separations, but OPM does not have a reasonable basis for estimating how much faster rulemakings would proceed or the benefits that would accrue from faster implementation of rules that have not yet been proposed or finalized.

A final benefit of this rule is that it will align OPM regulations with the operative legal standards. This will promote greater agency and employee understanding of the procedures governing the civil service.

³³⁸ For purposes of E.O. 14192 accounting, these benefits are considered cost savings.

³³⁹ Please note that, with regard to prohibited personnel practices, there will not be an increase in complaints to the Office of Special Counsel because Schedule Policy/Career positions are excluded from 5 U.S.C. 2302(a)(2)(B)(i).

³³⁶ Executive Order 14171 directly exempts newly filled Schedule Policy/Career positions from chapter 75 procedures, so the proposed changes to part 752 will not affect new hires filling such positions.

³³⁷ OPM expects that supervisors will continue to document the basis for separations, but less time will be needed to prepare such documentation as it is no longer needed to support an appeal in which the burden of proof lies with the agency.

OPM requests public comment on the benefits generated by this rule.

V. Procedural Issues and Regulatory Review

A. Severability

OPM proposes that, if any of the provisions of this proposed rule as finalized is held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, it shall be severable from its respective section(s) and shall not affect the remainder thereof or the application of the provision to other persons not similarly situated or to other dissimilar circumstances. In enforcing civil service protections and merit system principles, OPM will comply with all applicable legal requirements.

B. Regulatory Flexibility Act

The Acting Director of the Office of Personnel Management certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities because the rule will apply only to Federal agencies and employees.

C. Regulatory Review

OPM has examined the impact of this rulemaking as required by Executive Orders 12866 (Sept. 30, 1993) and 13563 (Jan. 18, 2011), which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. A regulatory impact analysis must be prepared for major rules with effects of \$100 million or more in any one year. This rulemaking does not reach that threshold but has otherwise been designated as a “significant regulatory action” under section 3(f) of Executive Order 12866, as supplemented by Executive Order 13563. This proposed rule is expected to be an Executive Order 14192 deregulatory action.

D. Executive Order 13132, Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Aug. 10, 1999), it is determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

E. Executive Order 12988, Civil Justice Reform

This regulation meets the applicable standards set forth in section 3(a) and (b)(2) of Executive Order 12988 (Feb. 7, 1996).

F. Unfunded Mandates Reform Act of 1995

This rulemaking will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually (adjusted annually for inflation with the base year 1995). Thus, no written assessment of unfunded mandates is required.

G. Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35)

This regulatory action will not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act.

List of Subjects

5 CFR Parts 210 and 212

Government employees.

5 CFR Part 213

Government employees, Reporting and recordkeeping requirements.

5 CFR Parts 302 and 432

Government employees.

5 CFR Part 451

Decorations, Government employees.

5 CFR Part 752

Government employees.

Office of Personnel Management.

Jerson Matias,

Federal Register Liaison.

Accordingly, for the reasons stated in the preamble, OPM is proposing to amend 5 CFR parts 210, 212, 213, 302, 432, 451, and 752 as follows:

PART 210—BASIC CONCEPTS AND DEFINITIONS (GENERAL)

■ 1. The authority citation for part 210 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302. E.O. 10577, 19 FR 7521, 3 CFR, 1954–1958 Comp., p. 218.

Subpart A—Applicability of Regulations; Definitions

■ 2. Amend § 210.102 by:

■ a. Removing paragraphs (b)(3) and (4); and

■ b. Redesignating paragraphs (b)(5) through (b)(20) as (b)(3) through (b)(18).

PART 212—COMPETITIVE SERVICE AND COMPETITIVE STATUS

■ 3. The authority citation for part 212 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302. E.O. 10577, 19 FR 7521, 3 CFR, 1954–1958 Comp., p. 218; E.O. 14171, 90 FR 8625.

Subpart D—Effect of Competitive Status on Promotion

■ 4. Amend § 212.401 by revising paragraph (b) to read as follows:

§ 212.401 Effect of competitive status on position.

* * * * *

(b) Unless expressly provided otherwise by the Civil Service Rules, an employee who has competitive status at the time his or her position is first listed in an excepted service schedule, or who is involuntarily transferred to a position in the excepted service, is not in the competitive service for any purpose but shall retain competitive status as long as he or she continues to occupy such position.

PART 213—EXCEPTED SERVICE

■ 5. The authority citation for part 213 is revised to read as follows:

Authority: 5 U.S.C. 3161, 3301 and 3302. E.O. 10577, 19 FR 7521, 3 CFR, 1954–1958 Comp., p. 218; E.O. 14171, 90 FR 8625. Sec. 213.101 also issued under 5 U.S.C. 2103.

Sec. 213.3102 also issued under 5 U.S.C. 3301, 3302, 3307, 8337(h), and 8456; 38 U.S.C. ch. 43; Pub. L. 105–339, 112 Stat. 3182–83; E.O. 12125, 44 FR 16879, 3 CFR, 1979 Comp., p. 16879; E.O. 13124, 64 FR 31103, 3 CFR, 1999 Comp., p. 192; E.O. 13562, 75 FR 82585, 3 CFR, 2011 Comp., p. 291; Presidential Memorandum—Improving the Federal Recruitment and Hiring Process, 75 FR 27157 (May 11, 2010).

Subpart A—General Provisions

■ 6. Revise § 213.101 to read as follows:

§ 213.101 Definitions.

(a) In this chapter:

(1) *Excepted service* has the meaning given that term by section 2103 of title 5, United States Code, and includes all positions in the executive branch of the Federal Government which are specifically excepted from the competitive service by or pursuant to statute, by the President, or by the Office of Personnel Management, and which are not in the Senior Executive Service. An employee encumbering an excepted position is in the excepted service, irrespective of whether they possess competitive status.

(2) *Excepted position* means a position in the excepted service.

(b) In this part:

(1) *Career position* means a position that is not a noncareer position.

(2) *Noncareer position* means a position associated with an appointment that carries no expectation of continued employment beyond the Presidential administration during which the appointment occurred and whose occupant is normally, as a matter of practice, expected to resign upon a Presidential transition. This phrase encompasses all positions whose appointments involve preclearance by the White House Office of Presidential Personnel.

■ 7. Amend § 213.102 by revising the section heading and adding paragraph (d) to read as follows:

§ 213.102 Identification of positions in Schedule A, B, C, D, or Policy/Career.

* * * * *

(d) The President may directly place positions in Schedule Policy/Career.

■ 8. Revise § 213.103 to read as follows:

§ 213.103 Publication of excepted appointing authorities in Schedules A, B, C, D, and Policy/Career.

(a) Schedule A, B, C, D, and Policy/Career appointing authorities available for use by all agencies will be published as regulations in the **Federal Register** and the *Code of Federal Regulations*.

(b) Establishment and revocation of Schedule A, B, C, and Policy/Career appointing authorities applicable to a single agency shall be published monthly in the Notices section of the **Federal Register**.

(c) A consolidated listing of all Schedule A, B, C, and Policy/Career authorities current as of June 30 of each year, with assigned authority numbers, shall be published annually as a notice in the **Federal Register**.

■ 9. Amend § 213.104 by revising the section heading and paragraphs (a) introductory text, (a)(1), (b)(1), and (b)(2) to read as follows:

§ 213.104 Special provisions for temporary, time-limited, intermittent, or seasonal appointments in Schedule A, B, C, D, or Policy/Career.

(a) When OPM specifies that appointments under a particular Schedule A, B, C, D, or Policy/Career authority must be temporary, intermittent, or seasonal, or when agencies elect to make temporary, intermittent, or seasonal appointments in Schedule A, B, C, D, or Policy/Career, those terms have the following meaning:

(1) *Temporary appointments*, unless otherwise specified in a particular Schedule A, B, C, D, or Policy/Career exception, are made for a specified period not to exceed 1 year and are

subject to the time limits in paragraph (b) of this section. Time-limited appointments made for more than 1 year are not considered to be temporary appointments and are not subject to the time limits.

* * * * *

(b) * * *

(1) *Service limits*. Agencies may make temporary appointments for a period not to exceed 1 year, unless the applicable Schedule A, B, C, D, or Policy/Career authority specifies a shorter period. Except as provided in paragraph (b)(3) of this section, agencies may extend temporary appointments for no more than 1 additional year (24 months of total service). Appointment to a successor position (*i.e.*, a position that replaces and absorbs the original position) is considered to be an extension of the original appointment. Appointment to a position involving the same basic duties, in the same major subdivision of the agency, and in the same local commuting area is also considered to be an extension of the original appointment.

(2) *Restrictions on refilling positions under temporary appointments*. Except as provided in paragraph (b)(3) of this section, an agency may not fill any position (or its successor) by a temporary appointment in Schedule A, B, C, D, or Policy/Career if that position had previously been filled by temporary appointment(s) in either the competitive or excepted service for an aggregate of 2 years, or 24 months, within the preceding 3-year period. This limitation does not apply to programs established to provide for systematic exchange between a Federal agency and non-Federal organizations.

* * * * *

Subpart C—Excepted Schedules

■ 10. Amend § 213.3301 by revising the section heading and paragraph (a) to read as follows:

§ 213.3301 Positions of a confidential or policy-determining character normally subject to change as a result of a Presidential transition.

(a) Upon specific authorization by OPM, agencies may make appointments under this section to noncareer positions that are of a confidential or policy-determining character and are normally subject to change as a result of a Presidential transition. Positions filled under this authority are excepted from the competitive service and constitute Schedule C. Each position will be assigned a number from §§ 213.3302 through 213.3999, or other appropriate number, to be used by the agency in

recording appointments made under that authorization.

* * * * *

■ 11. Add a new undesignated, centered heading after § 213.3402 to read as follows:

Schedule Policy/Career

■ 12. Add new § 213.3501 below the undesignated heading Schedule Policy/Career.

§ 213.3501 Career positions of a confidential, policy-determining, policy-making, or policy-advocating character.

(a) As authorized by the President, agencies may make appointments under this section to career positions of a confidential, policy-determining, policy-making, or policy-advocating character that are not in the Senior Executive Service. Positions filled under this authority are excepted from the competitive service and constitute Schedule Policy/Career.

(b) Employees in or applicants for Schedule Policy/Career positions are not required to personally or politically support the current President or the policies of the current administration. They are required to faithfully implement administration policies to the best of their ability, consistent with their constitutional oath and the vesting of executive authority solely in the President. Failure to do so is grounds for dismissal.

(c) Individuals appointed to positions in Schedule Policy/Career are not subject to probationary or trial periods and acquire competitive status after completing one year of continuous service.

PART 302—EMPLOYMENT IN THE EXCEPTED SERVICE

■ 13. The authority citation for part 302 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302, 3317, 3318, 3319, 3320, 8151. E.O. 10577, 19 FR 7521, 3 CFR, 1954–1958 Comp., p. 218; E.O. 14171, 90 FR 8625. Sec. 302.105 also issued under 5 U.S.C. 1104; sec. 3(5), Pub. L. 95–454, 92 Stat. 1112. Sec. 302.501 also issued under 5 U.S.C. ch. 77. Sec. 302.107 also issued under 5 U.S.C. 9201–9206; sec. 1122(b)(1), Pub. L. 116–92, 133 Stat. 1605.

Subpart A—General Provisions

■ 14. Amend § 302.101 by:

■ a. In paragraph (c)(6), removing the period at the end of the sentence and adding a semicolon;

■ b. Revising paragraph (c)(7);

■ c. In paragraph (c)(8), removing the “and” after the semicolon;

■ d. In paragraph (c)(9), removing the period at the end of the sentence and adding a semicolon; and

■ e. In paragraph (c)(10), removing the period at the end of the sentence and adding “; and”.

The revisions read as follows:

§ 302.101 Positions covered by regulations.

* * * *

(c) * * *

(7) Positions included in Schedule C (see subpart C of part 213 of this chapter);

* * * *

■ 15. Amend § 302.102 by

■ a. In paragraph (b) introductory text adding the phrase “(or (d))” after “paragraph (c)”;

■ b. Revising the last sentence of paragraph (c); and

■ c. Adding a new paragraph (d) to read as follows:

§ 302.102 Method of filling positions and status of incumbent.

* * * *

(c) * * * Persons appointed pursuant to a specific authorization by OPM under this paragraph may acquire a competitive status.

(d) Agencies shall make appointments to positions in Schedule Policy/Career of the excepted service in the same manner as to positions in the competitive service, unless such positions would, but for their placement in Schedule Policy/Career, be listed in another excepted service schedule. Appointments to positions in Schedule Policy/Career of the excepted service that would, but for their placement in another excepted service schedule shall be made pursuant to the rules applicable to such positions in the corresponding schedule. Individuals appointed to a position under 5 CFR 213.3501 acquire competitive status after completing one year of continuous service in the position.

Subpart F—[Removed]

■ 16. Remove subpart F, consisting of §§ 302.601 through 302.603.

PART 432—PERFORMANCE BASED REDUCTION IN GRADE AND REMOVAL ACTIONS

■ 17. The authority citation for part 432 continues to read as follows:

Authority: 5 U.S.C. 4303, 4305.

■ 18. Amend § 432.102 by revising paragraph (f)(10) to read as follows:

§ 432.102 Coverage.

* * * *

(f) * * *

(10) An employee occupying a position in Schedule C or Schedule

Policy/Career as authorized under part 213 of this chapter;

* * * *

PART 451—AWARDS

■ 19. The authority citation for part 451 continues to read as follows:

Authority: 5 U.S.C. 4302, 4501–4509; E.O. 11438, 33 FR 18085, 3 CFR, 1966–1970 Comp., p. 755; E.O. 12828, 58 FR 2965, 3 CFR, 1993 Comp., p. 569.

Subpart C—Presidential Rank Awards

■ 20. Amend § 451.302 by revising paragraph (b)(3)(ii) to read as follows:

§ 451.302 Ranks for senior career employees.

* * * *

(b) * * *

(3) * * *

(ii) To positions that are excepted from the competitive service because of their confidential or policy-making character.

* * * *

PART 752—ADVERSE ACTIONS

■ 21. The authority citation for part 752 is revised to read as follows:

Authority: 5 U.S.C. 6329b, 7504, 7514, 7515, and 7543; 38 U.S.C. 7403; Sec. 512, Pub. L. 114–328, 130 Stat. 2112; E.O. 10577, 19 FR 7521, 3 CFR, 1954–1958 Comp., p. 218.

Subpart B—Regulatory Requirements for Suspension for 14 Days or Less

■ 22. Amend § 752.201 by revising paragraphs (b), (c)(5) and (6), and removing paragraph (c)(7) to read as follows:

§ 752.201 Coverage.

* * * *

(b) *Employees covered.* This subpart covers:

(1) An employee in the competitive service who has completed a probationary or trial period, or who has completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less;

(2) An employee in the competitive service serving in an appointment which requires no probationary or trial period, and who has completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less;

(3) An employee with competitive status who occupies a position under Schedule B of part 213 of this chapter;

(4) An employee who was in the competitive service at the time his or her position was first listed under

Schedule A or B of the excepted service and still occupies that position;

(5) An employee of the Department of Veterans Affairs appointed under 38 U.S.C. 7401(3); and

(6) An employee of the Government Publishing Office.

(c) * * *

(5) Of a National Guard Technician; or

(6) Taken under 5 U.S.C. 7515.

* * * *

Subpart D—Regulatory Requirements for Removal, Suspension for More Than 14 Days, Reduction in Grade or Pay, or Furlough for 30 Days or Less

■ 23. Amend § 752.401 by revising paragraphs (c) and (d)(2) to read as follows:

§ 752.401 Coverage.

* * * *

(c) *Employees covered.* This subpart covers:

(1) A career or career conditional employee in the competitive service who is not serving a probationary or trial period;

(2) An employee in the competitive service—

(i) Who is not serving a probationary or trial period under an initial appointment; or

(ii) Who has completed 1 year of current continuous service under other than a temporary appointment limited to 1 year or less;

(3) An employee in the excepted service who is a preference eligible in an Executive agency as defined at section 105 of title 5, United States Code, the U.S. Postal Service, or the Postal Regulatory Commission and who has completed 1 year of current continuous service in the same or similar positions;

(4) A Postal Service employee covered by Public Law 100–90 who has completed 1 year of current continuous service in the same or similar positions and who is either a supervisory or management employee or an employee engaged in personnel work in other than a purely nonconfidential clerical capacity;

(5) An employee in the excepted service who is a nonpreference eligible in an Executive agency as defined at 5 U.S.C. 105, and who has completed 2 years of current continuous service in the same or similar positions under other than a temporary appointment limited to 2 years or less;

(6) An employee with competitive status who occupies a position in Schedule B of part 213 of this chapter;

(7) An employee who was in the competitive service at the time his or

her position was first listed under Schedule A or B of the excepted service and who still occupies that position;

(8) An employee of the Department of Veterans Affairs appointed under 38 U.S.C. 7401(3); and

(9) An employee of the Government Publishing Office.

(d) * * *

(2) An employee whose position is in Schedule C or Schedule Policy/Career.

* * * *

■ 24. Amend § 752.405 by revising paragraph (a) to read as follows:

§ 752.405 Appeal and grievance rights.

(a) *Appeal rights.* Under the provisions of 5 U.S.C. 7513(d), an employee against whom an action is taken under this subpart is entitled to

appeal to the Merit Systems Protection Board. Employees listed under § 752.401(d) of this subpart may not appeal to the Merit Systems Protection Board under this section, irrespective of whether they or their positions were previously covered by this subpart.

* * * *

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