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Proclamation 10921 of April 23, 2025

The President

National Park Week, 2025

By the President of the United States of America**A Proclamation**

During National Park Week, we celebrate the majestic beauty and rich history preserved within our national parks. The week's events will begin with a commemoration of the 250th anniversary of the Battles of Lexington and Concord, the opening battles of the American Revolutionary War at Minute Man National Historical Park in Middlesex County, Massachusetts. There, ceremonies and tactical demonstrations will recall the bravery of the patriots who stood their ground against tyranny and launched a movement that secured the blessing of freedom and forever changed the course of history.

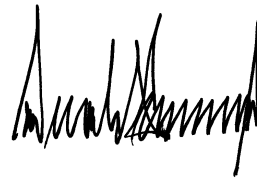
As President, I have taken action to restore names to our parks that honor American greatness—including returning Mount McKinley to its rightful name. I was also proud to announce the creation of the National Garden of American Heroes—a new monument honoring 250 American patriots who embodied the virtues of courage, love of country, and devotion to our Nation's highest ideals. My Administration is promoting education that teaches our children to love our country and honor our history, including through the work of the White House Task Force on Celebrating America's 250th Birthday.

Our national parks are magnificent sources of inspiration, education, and recreation—representing our customs and culture. In 1872, Yellowstone National Park was established as the world's first-ever national park, commencing a proud American tradition that has led to the designation of more than 400 park sites of national significance. From prehistoric dwellings and architectural masterpieces to historic battlefields where our forefathers fought for independence, our national parks draw hundreds of millions of visitors each year.

This National Park Week, we renew our pledge to cherish and protect our magnificent symbols of American greatness, and we vow to ensure that they remain breathtaking for our children and grandchildren.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 19 through April 27, 2025, as National Park Week. I encourage all Americans to celebrate our national parks by learning more about the natural and historical heritage that belongs to each and every citizen of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of April, in the year of our Lord two thousand twenty-five, and of the Independence of the United States of America the two hundred and forty-ninth.

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[FR Doc. 2025-07365

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Presidential Documents

Proclamation 10922 of April 23, 2025

Days of Remembrance of Victims of the Holocaust, 2025

By the President of the United States of America

A Proclamation

On Yom HaShoah, Holocaust Remembrance Day, and during this week of solemn remembrance, we honor the blessed memories of the six million Jewish men, women, and children who were viciously slaughtered by the genocidal Nazi regime and their collaborators—one of the bleakest hours in human history. We also remember the Roma and Sinti, peoples of Slavic and Polish ancestry, persons with disabilities, Soviet prisoners of war, Jehovah's Witnesses, persons targeted based on their sexual orientation, and countless other innocent victims of this tragedy.

Earlier this year, our Nation solemnly commemorated the 80th anniversary of the liberation of Auschwitz, during which we memorialized the lives of the mothers, fathers, sisters, brothers, daughters, sons, grandmothers, and grandfathers whose futures were barbarically ripped away in Nazi-occupied Europe. During these Days of Remembrance of Victims of the Holocaust, we once again honor every Holocaust survivor who has imparted their wisdom to younger generations. Today and every day, we commit to preserving their stories.

The price to humanity of the lives lost during the Shoah can never be fully grasped or understood. Yet, even in the wake of the Holocaust, a self-determined Jewish homeland rose from the ashes as the modern State of Israel.

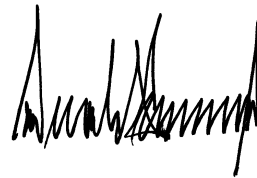
Sadly, our Nation has borne witness to the worst outbreak of anti-Semitism on American soil in generations. Nearly every day following the deadly October 7, 2023, attack on Israel, Jewish Americans were threatened on our streets and in our public square—a reminder that the poison of anti-Semitism tragically still exists.

For that reason, my Administration is proudly upholding the basic truth that anti-Semitism has no place in a civilized society. As President, I signed an Executive Order directing the Federal Government to use all available and appropriate legal tools to combat the explosion of anti-Semitic harassment in our schools and on college campuses—including through the removal of resident aliens who violate our laws. We are also steadfastly committed to investigating and swiftly punishing all anti-Semitic discrimination in leftist, anti-American colleges and universities.

During these Days of Remembrance of Victims of the Holocaust, we reflect upon the dark affront to human dignity posed by Nazis. We cherish the eternal memories of all those whose lives were lost to the deadly scourge of anti-Semitism. Above all, we vow to never forget the atrocities of the Holocaust. We declare that never again means now.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby ask the people of the United States to observe the Days of Remembrance of Victims of the Holocaust from April 20 through April 27, 2025, and the solemn anniversary of the liberation of Nazi death camps with appropriate study, prayers, and commemoration and to honor the memory of the victims of the Holocaust and Nazi persecution by remembering the lessons of this atrocity so that it is never repeated.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of April, in the year of our Lord two thousand twenty-five, and of the Independence of the United States of America the two hundred and forty-ninth.

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Presidential Documents

Proclamation 10923 of April 23, 2025

National Volunteer Week, 2025

By the President of the United States of America

A Proclamation

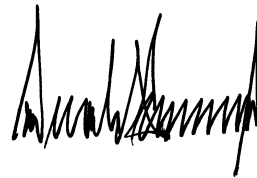
Every day, countless volunteers strengthen and enrich communities across the country through their selfless service. This National Volunteer Week, we offer our gratitude to every individual who generously volunteers their time, talent, and resources to influence and impact the lives of their neighbors, their communities, and the Nation as a whole.

Volunteerism is central to the American way of life, exemplifying the spirit that makes America great. In soup kitchens, shelters, schools, hospitals, and religious organizations across the country, volunteers encompass a spirit of kindness and compassion to help those in need. These exemplary citizens are role models for their communities and inspire us all with their commitment to selfless service.

During National Volunteer Week, we pay tribute to every American who gives their time and talents in service to our Nation. We celebrate their selfless spirit—the driving force that inspires them to uplift others and serve a purpose greater than their own. In times of need, the American people emerge stronger than ever.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 20 through April 26, 2025, as National Volunteer Week. I call upon all Americans to observe this week by volunteering in service projects across our country and pledging to make service a part of their daily lives.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of April, in the year of our Lord two thousand twenty-five, and of the Independence of the United States of America the two hundred and forty-ninth.

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Presidential Documents

Executive Order 14277 of April 23, 2025

Advancing Artificial Intelligence Education for American Youth

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. *Background.* Artificial intelligence (AI) is rapidly transforming the modern world, driving innovation across industries, enhancing productivity, and reshaping the way we live and work. To ensure the United States remains a global leader in this technological revolution, we must provide our Nation's youth with opportunities to cultivate the skills and understanding necessary to use and create the next generation of AI technology. By fostering AI competency, we will equip our students with the foundational knowledge and skills necessary to adapt to and thrive in an increasingly digital society. Early learning and exposure to AI concepts not only demystifies this powerful technology but also sparks curiosity and creativity, preparing students to become active and responsible participants in the workforce of the future and nurturing the next generation of American AI innovators to propel our Nation to new heights of scientific and economic achievement.

To achieve this vision, we must also invest in our educators and equip them with the tools and knowledge to not only train students about AI, but also to utilize AI in their classrooms to improve educational outcomes. Professional development programs focused on AI education will empower educators to confidently guide students through this complex and evolving field. Educators, industry leaders, and employers who rely on an AI-skilled workforce should partner to create educational programs that equip students with essential AI skills and competencies across all learning pathways. While AI education in kindergarten through twelfth grade (K–12) is critical, our Nation must also make resources available for lifelong learners to develop new skills for a changing workforce. By establishing a strong framework that integrates early student exposure with comprehensive teacher training and other resources for workforce development, we can ensure that every American has the opportunity to learn about AI from the earliest stages of their educational journey through postsecondary education, fostering a culture of innovation and critical thinking that will solidify our Nation's leadership in the AI-driven future.

Sec. 2. *Policy.* It is the policy of the United States to promote AI literacy and proficiency among Americans by promoting the appropriate integration of AI into education, providing comprehensive AI training for educators, and fostering early exposure to AI concepts and technology to develop an AI-ready workforce and the next generation of American AI innovators.

Sec. 3. *Definition.* For the purposes of this order, “artificial intelligence” or “AI” has the meaning set forth in 15 U.S.C. 9401(3).

Sec. 4. *Establishing an Artificial Intelligence Education Task Force.* (a) There is hereby established the White House Task Force on Artificial Intelligence Education (Task Force).

(b) The Director of the Office of Science and Technology Policy shall be the Chair of the Task Force.

(c) The Task Force membership shall consist of the following members:

(i) the Secretary of Agriculture;

- (ii) the Secretary of Labor;
- (iii) the Secretary of Energy;
- (iv) the Secretary of Education;
- (v) the Director of the National Science Foundation (NSF);
- (vi) the Assistant to the President for Domestic Policy;
- (vii) the Special Advisor for AI & Crypto;
- (viii) the Assistant to the President for Policy; and
- (ix) the heads of other such executive departments and agencies (agencies) and offices that the Chair may designate or invite to participate.

(d) The Task Force shall be responsible for implementing the policy stated in section 2 of this order and coordinating Federal efforts related to AI education, including the actions outlined in this order.

Sec. 5. *Establishing the Presidential Artificial Intelligence Challenge.* (a) Within 90 days of the date of this order, the Task Force shall establish plans for a Presidential Artificial Intelligence Challenge (Challenge), and the agencies represented on the Task Force shall, as appropriate and consistent with applicable law, implement the plans by holding the Challenge no later than 12 months from the submission of the plan. The Challenge shall encourage and highlight student and educator achievements in AI, promote wide geographic adoption of technological advancement, and foster collaboration between government, academia, philanthropy, and industry to address national challenges with AI solutions.

(b) The Challenge shall feature multiple age categories, distinct geographic regions for competition, and a variety of topical themes of competition to reflect the breadth of AI applications, encouraging interdisciplinary exploration.

(c) The Task Force and, as appropriate, agencies represented on the Task Force shall collaborate with relevant agencies and private sector entities to provide technical expertise, resources, and promotional support for implementing the Challenge, including through existing funding vehicles.

Sec. 6. *Improving Education Through Artificial Intelligence.* (a) To provide resources for K–12 AI education, agencies represented on the Task Force shall seek to establish public-private partnerships with leading AI industry organizations, academic institutions, nonprofit entities, and other organizations with expertise in AI and computer science education to collaboratively develop online resources focused on teaching K–12 students foundational AI literacy and critical thinking skills. The Task Force shall promptly announce such public-private partnerships on a rolling basis as they are formed.

(i) The Task Force shall seek to utilize industry commitments and identify any Federal funding mechanisms, including discretionary grants, that can be used to provide resources for K–12 AI education. To the extent practicable and as consistent with applicable law, agencies shall prioritize funding for such purposes when it would further the aims of the program for which funding is available.

(ii) The Task Force shall work to ensure the resources funded as described in subsection (i) of this section are ready for use in K–12 instruction within 180 days following the Task Force's formal announcement of the first slate of public-private partnerships.

(b) Within 90 days of the date of this order, the Task Force shall identify existing Federal AI resources on which agencies may rely, such as the NSF- and Department of Agriculture-sponsored National AI Research Institutes, to support partnerships with State and local educational agencies to improve AI education.

(c) Within 90 days of the date of this order, the Secretary of Education shall issue guidance regarding the use of formula and discretionary grant funds to improve education outcomes using AI, including but not limited

to AI-based high-quality instructional resources; high-impact tutoring; and college and career pathway exploration, advising, and navigation.

(d) Within 90 days of the date of this order, the Secretary of Education shall identify and implement ways to utilize existing research programs to assist State and local efforts to use AI for improved student achievement, attainment, and mobility.

Sec. 7. *Enhancing Training for Educators on Artificial Intelligence.* (a) Within 120 days of the date of this order, the Secretary of Education shall take steps to prioritize the use of AI in discretionary grant programs for teacher training authorized by the Elementary and Secondary Education Act of 1965 (Public Law 89–10), as amended, and Title II of the Higher Education Act of 1965 (Public Law 89–329), as amended, including for:

(i) reducing time-intensive administrative tasks;

(ii) improving teacher training and evaluation;

(iii) providing professional development for all educators, so they can integrate the fundamentals of AI into all subject areas; and

(iv) providing professional development in foundational computer science and AI, preparing educators to effectively teach AI in stand-alone computer science and other relevant courses.

(b) Within 120 days of the date of this order, the Director of the NSF shall take steps to prioritize research on the use of AI in education. The Director of the NSF shall also utilize existing programs to create teacher training opportunities that help educators effectively integrate AI-based tools and modalities in classrooms.

(c) Within 120 days of the date of this order, the Secretary of Agriculture shall take steps to prioritize research, extension, and education on the use of AI in formal and non-formal education through 4–H and the Cooperative Extension System. The Secretary of Agriculture shall also utilize existing programs to create teacher and educator training opportunities that help effectively integrate AI-based tools and modalities into classrooms and curriculum.

Sec. 8. *Promoting Registered Apprenticeships.* (a) Within 120 days of the date of this order, the Secretary of Labor shall seek to increase participation in AI-related Registered Apprenticeships, including by:

(i) Prioritizing the development and growth of Registered Apprenticeships in AI-related occupations. The Secretary of Labor shall establish specific goals for growing Registered Apprenticeships in AI-related occupations across industries; and

(ii) Using apprenticeship intermediary contracts and allocating existing discretionary funds, as appropriate and consistent with applicable law, to engage industry organizations and employers and facilitate the development of Registered Apprenticeship programs in AI-related occupations. In doing so, the Secretary of Labor shall support the creation of industry-developed program standards to be registered on a nationwide basis, enabling individual employers to adopt the standards without requiring individual registry.

(b) Within 120 days of the date of this order, the Secretary of Labor shall encourage States and grantees to use funding provided under the Workforce Innovation and Opportunity Act (WIOA) (Public Law 113–128), as amended, to develop AI skills and support work-based learning opportunities within occupations utilizing AI by:

(i) issuing guidance to State and local workforce development boards encouraging the use of WIOA youth formula funds to help youth develop AI skills;

(ii) clarifying that States can use Governor set-asides to integrate AI learning opportunities into youth programs across the State; and

(iii) consistent with applicable law, establishing AI skills training and work-based learning as a grant priority in all Employment and Training Administration youth-focused discretionary grant programs.

(c) Within 120 days of the date of this order, the Secretary of Labor, through the Assistant Secretary of Labor for Employment and Training, and in collaboration with the Director of the NSF, shall engage with relevant State and local workforce development boards, industry organizations, education and training providers, and employers to identify and promote high-quality AI skills education coursework and certifications across the country. Through such engagement, the Secretary of Labor shall:

- (i) identify applicable funding opportunities to expand access to high-quality AI coursework and certifications;
- (ii) set performance targets for youth participation through any grants awarded for this purpose; and
- (iii) utilize industry and philanthropic partnerships to the extent practicable.

(d) Within 120 days of the date of this order, and in consultation with the Secretary of Education and the Director of the NSF, the Secretary of Labor shall support the creation of opportunities for high school students to take AI courses and certification programs by giving priority consideration in awarding grants as appropriate and consistent with applicable law to providers that commit to use funds to develop or expand AI courses and certification programs. The Secretary of Labor and the Secretary of Education shall encourage recipients to build partnerships with States and local school districts to encourage those entities to consider offering high school students dual enrollment opportunities to take courses to earn postsecondary credentials and industry-recognized AI credentials concurrent with high school education.

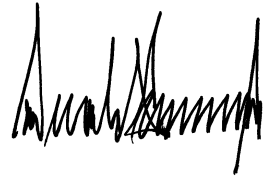
(e) Within 120 days of the date of this order, all agencies that provide educational grants shall, as appropriate and consistent with applicable law, consider AI as a priority area within existing Federal fellowship and scholarship for service programs.

Sec. 9. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

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THE WHITE HOUSE,
April 23, 2025.

Presidential Documents

Executive Order 14278 of April 23, 2025

Preparing Americans for High-Paying Skilled Trade Jobs of the Future

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. To maximize my Administration's historic investments in America's reindustrialization and economic growth, my Administration will fully equip the American worker to produce world-class products and implement world-leading technologies. My Administration will also consolidate and streamline fragmented Federal workforce development programs that are too disconnected from propelling workers into secure, well-paying, and high-need American jobs.

Sec. 2. Policy. It is the policy of the United States to optimize and target Federal investments in workforce development to align with our country's reindustrialization needs and equip American workers to fill the growing demand for skilled trades and other occupations. My Administration will further protect and strengthen Registered Apprenticeships and build on their successes to seize new opportunities and unlock the limitless potential of the American worker.

Sec. 3. Comprehensive Worker Investment and Development Strategy. Within 90 days of the date of this order, the Secretary of Labor, the Secretary of Commerce, and the Secretary of Education shall review all Federal workforce development programs and submit to the Assistant to the President for Domestic Policy and the Director of the Office of Management and Budget a report setting forth strategies to help the American worker. That report shall identify the following:

(a) Opportunities to integrate systems and realign resources to address critical workforce needs and in-demand skills of emerging industries and companies investing in the United States as determined, to the extent permissible by law, by prospective employers. The report shall include:

(i) administrative reforms to agency policies and programmatic requirements;

(ii) process improvements to better the experience for program participants; and

(iii) recommendations to further restructure and consolidate programs.

(b) Federal workforce development and education programs, or related spending within these programs, that are ineffective or otherwise fail to achieve their desired outcomes. Each identified program should be accompanied by a proposal to reform the program, redirect its funding, or eliminate it.

(c) Available statutory authorities to promote innovation and system integration in pursuit of better employment and earnings outcomes for program participants.

(d) Opportunities to invest in the upskilling of incumbent workers to meet rapidly evolving skill demands of their industries, including the use of Artificial Intelligence in the workplace.

(e) Strategies to identify alternative credentials and assessments to the 4-year college degree that can be mapped to the specific skill needs of prospective employers.

- (f) Efficiencies to streamline information collection, including through:
 - (i) harmonizing performance measures;
 - (ii) reducing the burden on grantees; and
 - (iii) ensuring that performance outcomes are measured using the most reliable data sources.

Sec. 4. *Expanding Registered Apprenticeships.* Within 120 days of the date of this order, the Secretary of Labor, the Secretary of Commerce, and the Secretary of Education shall submit to the Assistant to the President for Domestic Policy and the Director of the Office of Management and Budget a plan to reach and surpass 1 million new active apprentices. That plan shall identify the following:

(a) Avenues to expand Registered Apprenticeships to new industries and occupations, including high-growth and emerging sectors.

(b) Measures to scale this proven model across the country, improve its efficiency, and provide consistent support to program participants.

(c) Opportunities, including through the Carl D. Perkins Career and Technical Education (Perkins V) Act and Federal student aid, to enhance connections between the education system and Registered Apprenticeships.

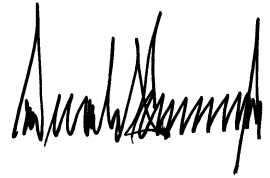
Sec. 5. *Delivering Unprecedented Transparency and Accountability.* The Secretary of Labor, the Secretary of Commerce, and the Secretary of Education shall improve transparency on the performance outcomes of workforce development programs and credentials supported through Federal investments, including earnings and employment data, for all Federal workforce development programs.

Sec. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the upper right quadrant of the page.

THE WHITE HOUSE,
April 23, 2025.

Presidential Documents

Executive Order 14279 of April 23, 2025

Reforming Accreditation To Strengthen Higher Education

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. A group of higher education accreditors are the gatekeepers that decide which colleges and universities American students can spend the more than \$100 billion in Federal student loans and Pell Grants dispersed each year. The accreditors' job is to determine which institutions provide a quality education—and therefore merit accreditation. Unfortunately, accreditors have not only failed in this responsibility to students, families, and American taxpayers, but they have also abused their enormous authority.

Accreditors routinely approve institutions that are low-quality by the most important measures. The national six-year undergraduate graduation rate was an alarming 64 percent in 2020. Further, many accredited institutions offer undergraduate and graduate programs with a negative return on investment—almost 25 percent of bachelor's degrees and more than 40 percent of master's degrees—which may leave students financially worse off and in enormous debt by charging them exorbitant sums for a degree with very modest earnings potential.

Notwithstanding this slide in graduation rates and graduates' performance in the labor market, the spike in debt obligations in relation to expected earnings, and repayment rates on student loans, accreditors have remained improperly focused on compelling adoption of discriminatory ideology, rather than on student outcomes. Some accreditors make the adoption of unlawfully discriminatory practices a formal standard of accreditation, and therefore a condition of accessing Federal aid, through “diversity, equity, and inclusion” or “DEI”-based standards of accreditation that require institutions to “share results on diversity, equity, and inclusion (DEI) in the context of their mission by considering . . . demographics . . . and resource allocation.” Accreditors have also abused their governance standards to intrude on State and local authority.

The American Bar Association's Council of the Section of Legal Education and Admissions to the Bar (Council), which is the sole federally recognized accreditor for Juris Doctor programs, has required law schools to “demonstrate by concrete action a commitment to diversity and inclusion” including by “commit[ting] to having a student body [and faculty] that is diverse with respect to gender, race, and ethnicity.” As the Attorney General has concluded and informed the Council, the discriminatory requirement blatantly violates the Supreme Court's decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023). Though the Council subsequently suspended its enforcement while it considers proposed revisions, this standard and similar unlawful mandates must be permanently eradicated.

The Liaison Committee on Medical Education, which is the only federally recognized body that accredits Doctor of Medicine degree programs, requires that an institution “engage[] in ongoing, systematic, and focused recruitment and retention activities, to achieve mission-appropriate diversity outcomes among its students.” The Accreditation Council for Graduate Medical Education, which is the sole accreditor for both allopathic and osteopathic medical residency and fellowship programs, similarly “expect[s]” institutions

to focus on implementing “policies and procedures related to recruitment and retention of individuals underrepresented in medicine,” including “racial and ethnic minority individuals.” The standards for training tomorrow’s doctors should focus solely on providing the highest quality care, and certainly not on requiring unlawful discrimination.

American students and taxpayers deserve better, and my Administration will reform our dysfunctional accreditation system so that colleges and universities focus on delivering high-quality academic programs at a reasonable price. Federal recognition will not be provided to accreditors engaging in unlawful discrimination in violation of Federal law.

Sec. 2. *Holding Accreditors Accountable for Unlawful Actions.* (a) The Secretary of Education shall, as appropriate and consistent with applicable law, hold accountable, including through denial, monitoring, suspension, or termination of accreditation recognition, accreditors who fail to meet the applicable recognition criteria or otherwise violate Federal law, including by requiring institutions seeking accreditation to engage in unlawful discrimination in accreditation-related activity under the guise of “diversity, equity, and inclusion” initiatives.

(b) The Attorney General and the Secretary of Education shall, as appropriate and consistent with applicable law, investigate and take appropriate action to terminate unlawful discrimination by American law schools that is advanced by the Council, including unlawful “diversity, equity, and inclusion” requirements under the guise of accreditation standards. The Secretary of Education shall also assess whether to suspend or terminate the Council’s status as an accrediting agency under Federal law.

(c) The Attorney General and the Secretary of Education, in consultation with the Secretary of Health and Human Services, shall investigate and take appropriate action to terminate unlawful discrimination by American medical schools or graduate medical education entities that is advanced by the Liaison Committee on Medical Education or the Accreditation Council for Graduate Medical Education or other accreditors of graduate medical education, including unlawful “diversity, equity, and inclusion” requirements under the guise of accreditation standards. The Secretary of Education shall also assess whether to suspend or terminate the Committee’s or the Accreditation Council’s status as an accrediting agency under Federal law or take other appropriate action to ensure lawful conduct by medical schools, graduate medical education programs, and other entities that receive Federal funding for medical education.

Sec. 3. *New Principles of Student-Oriented Accreditation.* (a) To realign accreditation with high-quality, valuable education for students, the Secretary of Education shall, consistent with applicable law, take appropriate steps to ensure that:

(i) accreditation requires higher education institutions to provide high-quality, high-value academic programs free from unlawful discrimination or other violations of Federal law;

(ii) barriers are reduced that limit institutions from adopting practices that advance credential and degree completion and spur new models of education;

(iii) accreditation requires that institutions support and appropriately prioritize intellectual diversity amongst faculty in order to advance academic freedom, intellectual inquiry, and student learning;

(iv) accreditors are not using their role under Federal law to encourage or force institution to violate State laws, unless such State laws violate the Constitution or Federal law; and

(v) accreditors are prohibited from engaging in practices that result in credential inflation that burdens students with additional unnecessary costs.

(b) To advance the policies and objectives in subsection (a) of this section, the Secretary of Education shall:

(i) resume recognizing new accreditors to increase competition and accountability in promoting high-quality, high-value academic programs focused on student outcomes;

(ii) mandate that accreditors require member institutions to use data on program-level student outcomes to improve such outcomes, without reference to race, ethnicity, or sex;

(iii) promptly provide to accreditors any noncompliance findings relating to member institutions issued after an investigation conducted by the Office of Civil Rights under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) or Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 *et seq.*);

(iv) launch an experimental site, pursuant to section 487A(b) of the Higher Education Act of 1965 (20 U.S.C. 1094a(b)), to accelerate innovation and improve accountability by establishing new flexible and streamlined quality assurance pathways for higher education institutions that provide high-quality, high-value academic programs;

(v) increase the consistency, efficiency, and effectiveness of the accreditor recognition review process, including through the use of technology;

(vi) streamline the process for higher education institutions to change accreditors to ensure institutions are not forced to comply with standards that are antithetical to institutional values and mission; and

(vii) update the Accreditation Handbook to ensure that the accreditor recognition and reauthorization process is transparent, efficient, and not unduly burdensome.

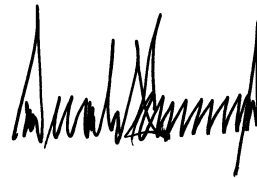
Sec. 4. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
April 23, 2025.

Presidential Documents

Executive Order 14280 of April 23, 2025

Reinstating Commonsense School Discipline Policies

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to ensure safety and order in American classrooms, it is hereby ordered:

Section 1. Purpose and Policy. The Federal Government will no longer tolerate known risks to children's safety and well-being in the classroom that result from the application of school discipline based on discriminatory and unlawful "equity" ideology.

In January 2014, the Department of Education and the Department of Justice jointly issued a "Dear Colleague" letter regarding school discipline. In that letter, the Department of Education and the Department of Justice explained that schools could be found to violate Title VI of the Civil Rights Act of 1964—and therefore could lose Federal funding—if their disciplinary decisions ran afoul of a newly imposed disparate-impact framework under which race-neutral disciplinary policies, applied in an even-handed manner, may be improper if members of any racial groups are suspended, expelled, or referred to law enforcement at higher rates than others. The letter effectively required schools to discriminate on the basis of race by imposing discipline based on racial characteristics, rather than on objective behavior alone.

The consequences harmed students and schools. A 2018 report from the Federal Commission on School Safety (Commission) noted evidence that, because of the 2014 letter, "schools ignored or covered up—rather than disciplined—student misconduct in order to avoid any purported racial disparity in discipline numbers that might catch the eye of the federal government." As a result, students who should have been suspended or expelled for dangerous behavior remained in the classroom, making all students less safe.

As the Commission found: "When school leaders focus on aggregate school discipline numbers rather than the specific circumstances and conduct that underlie each matter, schools become less safe," and "[r]esearch clearly indicates that the failure of schools to appropriately discipline disruptive students has consequences for overall student achievement." The Commission's seemingly obvious conclusion was that "disciplinary decisions are best left in the hands of classroom teachers and administrators" and should be based on student behavior, rather than racial statistics.

Following the Commission's report on December 18, 2018, the 2014 Dear Colleague letter was rescinded. In 2023, however, the previous administration's Department of Education and Department of Justice issued new guidance noting that statistical racial disparities in student discipline may indicate violations of law, and encouraging schools to collect, analyze, and adjust their disciplinary policies in light of racial disciplinary data. The 2023 guidance thus effectively reinstated the practice of weaponizing Title VI to promote an approach to school discipline based on discriminatory equity ideology. As a consequence of these policies, teachers and students are suffering increased levels of classroom disorder and school violence.

Sec. 2. Definitions. As used herein:

(a) The definitions in the Executive Order of January 29, 2025 (Ending Radical Indoctrination in K–12 Schooling), shall apply to this order.

(b) “Behavior Modification Techniques” means any school discipline policies or practices that incorporate or are based on discriminatory equity ideology.

Sec. 3. *Ensuring Commonsense School Discipline Policies.*

(a) Within 30 days of the date of this order, the Secretary of Education, in consultation with the Attorney General, shall issue new guidance to local educational agencies (LEAs) and State educational agencies (SEAs) regarding school discipline and their obligations not to engage in racial discrimination under Title VI in all contexts, including school discipline.

(b) The Secretary of Education shall take appropriate action with respect to LEAs and SEAs that fail to comply with Title VI protections against racial discrimination in the application of school discipline.

(c) Within 60 days of the date of this order, the Secretary of Education and the Attorney General shall initiate coordination with Governors and State Attorneys General regarding the prevention of racial discrimination in the application of school discipline.

(d) Within 90 days of the date of this order, the Secretary of Defense shall issue a revised school discipline code that appropriately protects and enhances the education of the children of America’s military-service families.

(e) Within 120 days of the date of this order, the Secretary of Education shall, in coordination with the Attorney General, the Secretary of Health and Human Services, and the Secretary of Homeland Security, submit a report to the President, through the Assistant to the President for Domestic Policy, regarding the status of discriminatory-equity-ideology-based school discipline and behavior modification techniques in American public education. The report shall include:

(i) an inventory and analysis of the nature and consequences of all Title VI discipline-related investigations since 2009;

(ii) an assessment of the role of non-profit organizations that are Federal grant recipients in promoting discriminatory-equity-ideology-based discipline and behavior modification techniques, and recommendations to ensure that Federal taxpayer funds do not flow to programs or activities, including those of non-profit organizations, that promote discriminatory-equity-ideology-based discipline and behavior modification techniques;

(iii) an assessment of discipline-related policies and curricular options that do not promote discriminatory equity ideology; and

(iv) model school discipline policies that promote common sense, protect the safety and educational environment of students, do not promote unlawful discrimination, and are rooted in American values and traditional virtues.

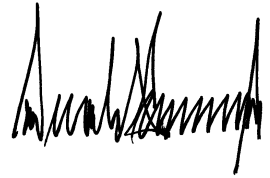
Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the upper right quadrant of the page.

THE WHITE HOUSE,
April 23, 2025.

Presidential Documents

Executive Order 14281 of April 23, 2025

Restoring Equality of Opportunity and Meritocracy

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. A bedrock principle of the United States is that all citizens are treated equally under the law. This principle guarantees equality of opportunity, not equal outcomes. It promises that people are treated as individuals, not components of a particular race or group. It encourages meritocracy and a colorblind society, not race- or sex-based favoritism. Adherence to this principle is essential to creating opportunity, encouraging achievement, and sustaining the American Dream.

But a pernicious movement endangers this foundational principle, seeking to transform America's promise of equal opportunity into a divisive pursuit of results preordained by irrelevant immutable characteristics, regardless of individual strengths, effort, or achievement. A key tool of this movement is disparate-impact liability, which holds that a near insurmountable presumption of unlawful discrimination exists where there are any differences in outcomes in certain circumstances among different races, sexes, or similar groups, even if there is no facially discriminatory policy or practice or discriminatory intent involved, and even if everyone has an equal opportunity to succeed. Disparate-impact liability all but requires individuals and businesses to consider race and engage in racial balancing to avoid potentially crippling legal liability. It not only undermines our national values, but also runs contrary to equal protection under the law and, therefore, violates our Constitution.

On a practical level, disparate-impact liability has hindered businesses from making hiring and other employment decisions based on merit and skill, their needs, or the needs of their customers because of the specter that such a process might lead to disparate outcomes, and thus disparate-impact lawsuits. This has made it difficult, and in some cases impossible, for employers to use bona fide job-oriented evaluations when recruiting, which prevents job seekers from being paired with jobs to which their skills are most suited—in other words, it deprives them of opportunities for success. Because of disparate-impact liability, employers cannot act in the best interests of the job applicant, the employer, and the American public.

Disparate-impact liability imperils the effectiveness of civil rights laws by mandating, rather than proscribing, discrimination. As the Supreme Court put it, “[t]he way to stop discrimination on the basis of race is to stop discriminating on the basis of race.”

Disparate-impact liability is wholly inconsistent with the Constitution and threatens the commitment to merit and equality of opportunity that forms the foundation of the American Dream. Under my Administration, citizens will be treated equally before the law and as individuals, not consigned to a certain fate based on their immutable characteristics.

Sec. 2. Policy. It is the policy of the United States to eliminate the use of disparate-impact liability in all contexts to the maximum degree possible to avoid violating the Constitution, Federal civil rights laws, and basic American ideals.

Sec. 3. *Revoking Certain Presidential Actions.* The following Presidential approvals of the regulations promulgated under 42 U.S.C. 2000d–1 are hereby revoked:

(a) the Presidential approval of July 25, 1966, of the Department of Justice Title VI regulations (31 *Fed. Reg.* 10269), as applied to 28 C.F.R. 42.104(b)(2) in full; and

(b) the Presidential approval of July 5, 1973, of the Department of Justice Title VI regulations (38 *Fed. Reg.* 17955, FR Doc. 73–13407), as applied to the words “or effect” in both places they appear in 28 C.F.R. 42.104(b)(3), and as applied to 28 C.F.R. 42.104(b)(6)(ii) and 28 C.F.R. 42.104(c)(2) in full.

Sec. 4. *Enforcement Discretion to Ensure Lawful Governance.* Given the limited enforcement resources of executive departments and agencies (agencies), the unlawfulness of disparate-impact liability, and the policy of this order, all agencies shall deprioritize enforcement of all statutes and regulations to the extent they include disparate-impact liability, including but not limited to 42 U.S.C. 2000e–2, 28 C.F.R. 42.104(b)(2)–(3), 28 C.F.R. 42.104(b)(6)(ii), and 28 C.F.R. 42.104(c)(2).

Sec. 5. *Existing Regulations.* (a) As delegated by Executive Order 12250 of November 2, 1980 (Leadership and Coordination of Nondiscrimination Laws), the Attorney General shall initiate appropriate action to repeal or amend the implementing regulations for Title VI of the Civil Rights Act of 1964 for all agencies to the extent they contemplate disparate-impact liability.

(b) Within 30 days of the date of this order, the Attorney General, in coordination with the heads of all other agencies, shall report to the President, through the Assistant to the President for Domestic Policy:

(i) all existing regulations, guidance, rules, or orders that impose disparate-impact liability or similar requirements, and detail agency steps for their amendment or repeal, as appropriate under applicable law; and

(ii) other laws or decisions, including at the State level, that impose disparate-impact liability and any appropriate measures to address any constitutional or other legal infirmities.

Sec. 6. *Review of Current Matters.* (a) Within 45 days of the date of this order, the Attorney General and the Chair of the Equal Employment Opportunity Commission shall assess all pending investigations, civil suits, or positions taken in ongoing matters under every Federal civil rights law within their respective jurisdictions, including Title VII of the Civil Rights Act of 1964, that rely on a theory of disparate-impact liability, and shall take appropriate action with respect to such matters consistent with the policy of this order.

(b) Within 45 days of the date of this order, the Attorney General, the Secretary of Housing and Urban Development, the Director of the Consumer Financial Protection Bureau, the Chair of the Federal Trade Commission, and the heads of other agencies responsible for enforcement of the Equal Credit Opportunity Act (Public Law 93–495), Title VIII of the Civil Rights Act of 1964 (the Fair Housing Act (Public Law 90–284, as amended)), or laws prohibiting unfair, deceptive, or abusive acts or practices shall evaluate all pending proceedings that rely on theories of disparate-impact liability and take appropriate action with respect to such matters consistent with the policy of this order.

(c) Within 90 days of the date of this order, all agencies shall evaluate existing consent judgments and permanent injunctions that rely on theories of disparate-impact liability and take appropriate action with respect to such matters consistent with the policy of this order.

Sec. 7. *Future Agency Action.* (a) In coordination with other agencies, the Attorney General shall determine whether any Federal authorities preempt State laws, regulations, policies, or practices that impose disparate-impact liability based on a federally protected characteristic such as race, sex,

or age, or whether such laws, regulations, policies, or practices have constitutional infirmities that warrant Federal action, and shall take appropriate measures consistent with the policy of this order.

(b) The Attorney General and the Chair of the Equal Employment Opportunity Commission shall jointly formulate and issue guidance or technical assistance to employers regarding appropriate methods to promote equal access to employment regardless of whether an applicant has a college education, where appropriate.

Sec. 8. Severability. If any provision of this order, or the application of any provision to any individual or circumstance, is held to be invalid, the remainder of this order and the application of its other provisions to any other individuals or circumstances shall not be affected thereby.

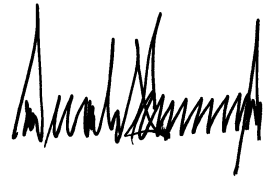
Sec. 9. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
April 23, 2025.

Presidential Documents

Executive Order 14282 of April 23, 2025

Transparency Regarding Foreign Influence at American Universities

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. *Purpose and Policy.* Section 117 of the Higher Education Act of 1965, 20 U.S.C. 1011f, requires institutions of higher education to report significant sources of foreign funding. But, because section 117 has not been robustly enforced, the true amounts, sources, and purposes of foreign money flowing to American campuses are unknown. From 2010 to 2016, according to one study, universities failed to disclose more than half of reportable foreign gifts. Even when foreign funding is reported, its true sources are often hidden. Protecting American educational, cultural, and national security interests requires transparency regarding foreign funds flowing to American higher education and research institutions. During my first term, the Department of Education opened investigations on 19 campuses from 2019–2021, which led universities to report \$6.5 billion in previously undisclosed foreign funds. Yet the prior administration undid this work, moving the Department of Education’s specialized investigatory work on foreign funds to a unit ill-equipped to perform it, undermining investigations, and hindering public access to information on foreign gifts and contracts. It is the policy of my Administration to end the secrecy surrounding foreign funds in American educational institutions, protect the marketplace of ideas from propaganda sponsored by foreign governments, and safeguard America’s students and research from foreign exploitation.

Sec. 2. *Robust Enforcement to Prevent Harm to American Interests.* The Secretary of Education (Secretary) shall take all appropriate actions to enforce the requirements of section 1011f of title 20, United States Code, including by working with the Attorney General and the heads of other executive departments, agencies, and offices, where appropriate, to require complete and timely disclosure by higher education institutions of foreign funding. These actions shall include the following:

(a) the Secretary shall take appropriate steps to reverse or rescind any actions by the prior administration that permit higher education institutions to maintain improper secrecy regarding their foreign funding;

(b) the Secretary shall take appropriate steps to require universities to more specifically disclose details about foreign funding, including the true source and purpose of the funds;

(c) the Secretary shall provide the American people with greater access to information about foreign funding to higher education institutions; and

(d) the Secretary and the Attorney General shall hold accountable higher education institutions that fail to comply with the law concerning disclosure of foreign funding. In furtherance of this directive, the Secretary shall work with the heads of other executive departments, agencies, and offices, where appropriate, to conduct audits and investigations as appropriate and where necessary to ensure compliance with the law concerning disclosure of foreign funding and shall seek enforcement through appropriate action by the Attorney General.

Sec. 3. *Compliance by Federal Funding Recipients.* The Secretary of Education and the heads of other appropriate executive departments and agencies

shall take appropriate action, as consistent with applicable law, to prospectively ensure that certification of compliance by higher education institutions with 20 U.S.C. 1011f and any other applicable foreign funding disclosure requirements is material for purposes of 31 U.S.C. 3729 and for receipt of appropriate Federal grant funds, which shall not be provided in cases of noncompliance with 20 U.S.C. 1011f and any other applicable foreign funding disclosure requirements.

Sec. 4. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

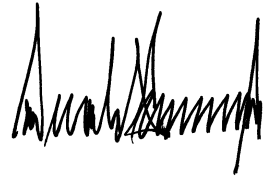
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) If any provision of this order, or the application of any provision to any agency, person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other agencies, persons or circumstances shall not be affected thereby.



THE WHITE HOUSE,
April 23, 2025.

Presidential Documents

Executive Order 14283 of April 23, 2025

White House Initiative To Promote Excellence and Innovation at Historically Black Colleges and Universities

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. Historically Black Colleges and Universities (HBCUs) remain integral to American students' pursuit of prosperity and wellbeing, providing the pathway to a career and a better life. This order will continue the work begun during my first Administration to elevate the value and impact of our Nation's HBCUs as beacons of educational excellence and economic opportunity that serve as some of the best cultivators of tomorrow's leaders in business, government, academia, and the military.

Sec. 2. Policy. It is the policy of my Administration to support HBCUs in: advancing America's full potential; fostering more and better opportunities in higher education; providing the highest-quality education; obtaining equal opportunities for participation in Federal programs; ensuring college-educated Americans are empowered to advance the common good at home and abroad; and making our Nation more globally competitive.

Sec. 3. White House Initiative on HBCUs. (a) There is hereby established the White House Initiative on Historically Black Colleges and Universities (Initiative), housed in the Executive Office of the President and led by an Executive Director designated by the President.

(b) The Initiative shall work with executive departments and agencies (agencies), the President's Board of Advisors on Historically Black Colleges and Universities established in section 4 of this order, private-sector employers, educational associations, philanthropic organizations, and other partners to increase the capacity of HBCUs to provide the highest-quality education to an increasing number of students. The Initiative shall have two primary missions:

(i) increasing the private-sector role, including the role of private foundations, in:

(A) strengthening HBCUs through enhanced institutional planning and development, fiscal stability, and financial management;

(B) upgrading institutional infrastructure, including the use of technology, to ensure the long-term viability of these institutions; and

(C) providing professional development opportunities for HBCU students to help build America's workforce in technology, healthcare, manufacturing, finance, and other high-growth industries; and

(ii) enhancing HBCUs' capabilities to serve our Nation's young adults by:

(A) supporting implementation of the HBCU PARTNERS Act (Public Law 116-270), including facilitating the Federal agency plan process required by section 4 of that Act (20 U.S.C. 1063d);

(B) working to advance my Administration's key priorities related to promoting innovation and excellence throughout HBCUs in consultation with HBCU leaders, representatives, students, and alumni;

(C) fostering private-sector initiatives and public-private and philanthropic partnerships to promote centers of academic research and program excellence at HBCUs;

(D) improving the availability and quality of information concerning HBCUs in the public policy sphere;

(E) sharing administrative and programmatic best practices within the HBCU community;

(F) addressing efforts to promote student success and retention at HBCUs, including college affordability, degree attainment, campus modernization, and infrastructure improvements;

(G) partnering with private entities and elementary and secondary education stakeholders to build a pipeline for students that may be interested in attending HBCUs and promote affordable degree attainment;

(H) encouraging States to provide the required State matching funds for 1890 Land-Grant Institutions;

(I) collaborating with the Department of Agriculture and State governments to establish a framework for addressing barriers to accessing Federal funding to ensure that HBCUs receive the maximum funding to which they may be entitled;

(J) collaborating with agencies to improve the competitiveness of HBCUs for other sources of Federal research and development funding; and

(K) convening an annual White House Summit on HBCUs to address matters related to the Initiative's missions and functions.

(c) The heads of agencies shall assist and provide information to the Initiative, consistent with applicable law, as may be necessary to carry out the functions of the Initiative. Each agency shall bear its own expenses of participating in the Initiative.

Sec. 4. *President's Board of Advisors on HBCUs.* (a) There is established in the Department of Education the President's Board of Advisors on Historically Black Colleges and Universities (Board). The Board shall fulfill the mission and functions established by, shall have the structure set forth in, and shall in all other respects be subject to the provisions of section 5 of the HBCU PARTNERS Act (20 U.S.C. 1063e). The Board shall include representatives of a variety of sectors, such as philanthropy, education, business, finance, entrepreneurship, innovation, and private foundations, and current HBCU presidents.

(b) The Board shall advise the President, through the Initiative, on the matters set forth in section 5(c) of the HBCU PARTNERS Act (20 U.S.C. 1063e(c)).

(c) The Department of Education shall provide funding and administrative support for the Board, consistent with applicable law and subject to the availability of appropriations. Insofar as chapter 10 of title 5, United States Code (commonly known as the Federal Advisory Committee Act), may apply to the Board, any functions of the President under that Act, except for those in section 6 and section 14 of that Act, shall be performed by the Secretary of Education, in accordance with guidelines issued by the Administrator of General Services.

Sec. 5. *Accountability and Implementation.* (a) The Executive Director of the Initiative shall submit an annual progress report to the President summarizing the Federal Government's impact on HBCUs and providing recommendations for improvement.

Sec. 6. *Revocations.* Executive Order 14041 of September 3, 2021 (White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity Through Historically Black Colleges and Universities), is hereby revoked. Within 14 days of the date of this order, the Administrator of the Environmental Protection Agency shall terminate the Historically Black Colleges and Universities and Minority Serving Institutions Advisory Council.

Sec. 7. General Provisions. (a) For the purposes of this order, “historically black colleges and universities” shall mean those institutions listed in 34 C.F.R. 608.2.

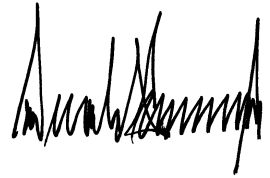
(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
April 23, 2025.

Rules and Regulations

Federal Register

Vol. 90, No. 80

Monday, April 28, 2025

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.

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-0743; Project Identifier MCAI-2024-00711-R; Amendment 39-23024; AD 2025-09-03]

RIN 2120-AA64

Airworthiness Directives; Bell Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2021-24-09, which applied to certain Bell Textron Canada Limited Model 430 helicopters. AD 2021-24-09 required a visual inspection of the main rotor (M/R) pitch link clevis (clevis), rod end, and a certain part-numbered universal bearing, performing a purge grease, and performing a magnetic particle inspection of each M/R clevis, and depending on the inspection results, removing or replacing certain parts and performing additional actions. AD 2021-24-09 also required recurring inspections of each M/R clevis and each universal bearing. Since the FAA issued AD 2021-24-09, the manufacturer has reduced the life limits of the affected parts and introduced new M/R pitch link assemblies by re-identifying the M/R pitch link assemblies that were required to be inspected by AD 2021-24-09. This AD requires similar actions as AD 2021-24-09 but reduces the life limits and requires replacing the M/R pitch link assemblies with re-identified part numbered assemblies. These actions are specified in a Transport Canada AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 13, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 13, 2025.

The FAA must receive comments on this AD by June 12, 2025.

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

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

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0743; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, CANADA; phone: (888) 663-3639; email: TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca. You may find the Transport Canada material on the Transport Canada website at tc.canada.ca/en/aviation.
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0743.

FOR FURTHER INFORMATION CONTACT:

Alexis Whitaker, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY; phone: (516) 228-7309; email: alexis.j.whitaker@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2025-0743; Project Identifier MCAI-2024-00711-R” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule 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](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to Alexis Whitaker, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY. 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 2021-24-09, Amendment 39-21830 (86 FR 66158, November 22, 2021) (AD 2021-24-09), for Bell Textron Canada Limited Model

430 helicopters, serial numbers 49001 through 49129, inclusive. AD 2021–24–09 was prompted by an MCAI originated by Transport Canada, which is the aviation authority for Canada. Transport Canada issued AD CF–2021–26, dated July 26, 2021 (Transport Canada AD CF–2021–26) to address an in-flight failure of an M/R clevis, which resulted in loss of control of the helicopter and fatal injuries to occupants. AD 2021–24–09 required a visual inspection of the M/R clevis, rod end, and a certain part-numbered universal bearing, performing a purge grease, and performing a magnetic particle inspection of each M/R clevis. Depending on the visual inspection and magnetic particle inspection results, AD 2021–24–09 required removing certain parts from service, replacing certain parts, and performing additional actions. AD 2021–24–09 also required recurring inspections of each M/R clevis and each universal bearing. The FAA issued AD 2021–24–09 to detect and address any wear and damage of the M/R clevis neck or threaded area, which could lead to crack initiation at the M/R clevis neck and failure of the M/R pitch link, resulting in loss of control of the helicopter.

Actions Since AD 2021–24–09 Was Issued

Since the FAA issued AD 2021–24–09, Transport Canada superseded Transport Canada AD CF–2021–26 and issued Transport Canada AD CF–2024–40, dated December 3, 2024 (Transport Canada AD CF–2024–40) (also referred to after this as “the MCAI”). The MCAI states that Bell Textron Canada Limited has revised Chapter 4, Airworthiness Limitations Section (ALS) of the Model 430 helicopter maintenance manual. Rather than having an airworthiness life assigned to the M/R pitch link assembly, Bell Textron Canada Limited has assigned individual life limits on the M/R clevises, universal bearings, universal to pitch link bolts, the tube assembly, and the rod end assembly. Bell Textron Canada Limited also revised its service information, which specifies re-identifying M/R pitch link assemblies from part number (P/N) 430–010–411–105 and P/N 430–010–411–107, which were required to be inspected by AD 2021–24–09, to P/N 430–010–411–109 and P/N 430–010–411–111, respectively. According to the MCAI, the unsafe condition, if not addressed, could lead to crack initiation at the M/R clevis neck or threaded area and failure of the M/R pitch link, which could result in loss of control of the helicopter.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–0743.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF–2024–40, which specifies procedures for verifying rotorcraft historical records to determine the total accumulated hours air time of certain parts, replacing the M/R pitch link assembly components that have exceeded their life limit, re-identifying the M/R pitch link assemblies, and performing a detailed visual inspection of the pitch link tube assembly, rod end assembly, and universal pitch link bolt. Transport Canada AD CF–2024–40 also requires performing repetitive detailed visual inspections of the M/R clevises and universal bearings (including hardware). Depending on the inspection results, Transport Canada CF–2024–40 specifies replacing any part that does not meet inspection criteria or further corrective actions. Additionally, Transport Canada AD CF–2024–40 specifies performing a purge grease of each universal bearing and performing a magnetic particle inspection of the M/R clevis and either replacing any M/R clevis with cracks or replacing any missing cadmium plating. Transport Canada AD CF–2024–40 specifies reporting any cracks or M/R clevises with damage beyond published limits to Bell Product Support Engineering.

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

AD Requirements

This AD requires similar actions as AD 2021–24–09 but reduces the life limits of the affected parts and requires re-identifying the M/R pitch link assemblies with new part numbered assemblies by accomplishing the actions specified in the MCAI, except for any differences identified in the regulatory text of this AD. See “Differences

Between this AD and the MCAI” for a discussion of these differences.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, Transport Canada AD CF–2024–40 is incorporated by reference in this AD. This AD requires compliance with Transport Canada AD CF–2024–40 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Material required by Transport Canada AD CF–2024–40 for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–0743 after this AD is published.

Differences Between This AD and the MCAI

The MCAI uses the term “new,” while this AD uses the term “new (zero hours time-in-service).”

The MCAI requires performing a magnetic particle inspection (MPI) if any suspected defects are found, while this AD requires performing an MPI after performing each detailed visual inspection.

The MCAI requires replacing M/R pitch link assembly P/Ns 430–010–411–109, –109 FM, –111, and –111FM before they exceed their life limit. This AD does not contain that requirement because those assemblies do not have a life limit and are replaced on condition; instead, the individual components of the assembly are life-limited.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity

for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because if the M/R pitch link clevises, the universal bearings, and the universal to pitch link bolt remain in service beyond their reduced life limits, this could lead to crack initiation at the M/R clevis neck or threaded area and consequent failure of the M/R pitch link, which could result in loss of control of the helicopter. In addition, the compliance time for the required actions is within 50 hours time-in-service or 60 days, whichever occurs first after the effective date of this AD,

which is a shorter time period than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 29 helicopters of U.S. registry. Labor rates are estimated at \$85 per hour. Based on these numbers, the FAA estimates that operators may incur the following costs to comply with this AD.

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Review records to determine total time on each part.	.25 work-hour × \$85 per hour = \$22	\$0	\$22	\$638.
Inspect the pitch link tube assembly, rod end assembly, and universal to pitch link bolt.	4 work-hours × \$85 per hour = \$340	0	\$340	\$9,860.
Inspect the M/R pitch link clevis.	4 work-hours × \$85 per hour = \$340	0	\$340 per inspection cycle	\$9,860 per inspection cycle.
Inspect the universal bearing and hardware.	4 work-hours × \$85 per hour = \$340	0	\$340 per inspection cycle	\$9,860 per inspection cycle.
Re-identify components	.25 work-hour × \$85 per hour = \$22	0	\$22	\$638.
Perform a magnetic particle inspection.	2 work-hours × \$85 per hour = \$170	0	\$170 per inspection cycle	\$4,930 per inspection cycle.

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

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

helicopters that might need these repairs or replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace an M/R clevis	4 work-hours × \$85 per hour = \$340	\$432	\$772 per part.
Replace a universal bearing	4 work-hours × \$85 per hour = \$340	3,566	\$3,906 per part.
Replace a universal to pitch link bolt.	4 work-hours × \$85 per hour = \$340	374	\$714 per part.
Replace missing cadmium plating	4 work-hours × \$850 per hour = \$340	0	\$340.
Replace a pitch link tube assembly or rod end assembly.	4 work-hours × \$85 per hour = \$340	6,463	\$6,803 per part.

Authority for This Rulemaking

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

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on

the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

- a. Removing Airworthiness Directive 2021–24–09, Amendment 39–21830 (86 FR 66158, November 22, 2021); and
- b. Adding the following new airworthiness directive:

2025–09–03 Bell Textron Canada Limited:
Amendment 39–23024; Docket No. FAA–2025–0743; Project Identifier MCAI–2024–00711–R.

(a) Effective Date

This airworthiness directive (AD) is effective May 13, 2025.

(b) Affected ADs

This AD replaces AD 2021–24–09, Amendment 39–21830 (86 FR 66158, November 22, 2021).

(c) Applicability

This AD applies to Bell Textron Canada Limited Model 430 helicopters, serial numbers 49001 through 49129 inclusive, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6220, Main rotor head.

(e) Unsafe Condition

This AD was prompted by an in-flight failure of the main rotor (M/R) pitch link clevis (clevis) due to fatigue damage and excessive wear. The FAA is issuing this AD to detect and address wear and damage of the M/R pitch link assembly components. The unsafe condition, if not addressed, could result in crack initiation at the M/R clevis neck and failure of the M/R pitch link, which could result in loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2024–40, dated December 3, 2024 (Transport Canada AD CF–2024–40).

(h) Exceptions to Transport Canada AD CF–2024–40

(1) Where Transport Canada AD CF–2024–40 uses the term “new” in the definition of “serviceable part,” this AD requires replacing that text with “new (zero hours time-in-service).”

(2) Where Transport Canada AD CF–2024–40 requires compliance in terms of hours air time, this AD requires using hours time-in-service.

(3) Where Transport Canada AD CF–2024–40 refers to its effective date, this AD requires using the effective date of this AD.

(4) Where any paragraph in Transport Canada AD CF–2024–40 specifies performing a magnetic particle inspection (MPI) “if any suspected defects are found” after performing a detailed visual inspection, this AD requires performing an MPI after performing each detailed visual inspection.

(5) Where Part I paragraph A.8. and Part III paragraph B. of Transport Canada AD CF–2024–40 specify to purge grease the bearings, for this AD those actions are not required if already accomplished when doing Part I paragraph A.7 and Part III paragraph A. of Transport Canada AD CF–2024–40.

(6) Where Part I paragraph A.9. of Transport Canada AD CF–2024–40 specifies to re-identify the main rotor pitch link assemblies and sub-components, for this AD those actions are not required if already accomplished when doing Part I paragraphs A.2. through A.4. of Transport Canada AD CF–2024–40.

(7) Where Part I paragraph B. of Transport Canada CF–2024–40 specifies “replace each component listed in Table 1 of the Bell ASB before exceeding the applicable airworthiness life limit indicated in Table 4–1 of the applicable ALS,” for this AD that requirement does not apply to M/R pitch link assemblies part numbers 430–010–411–109, –109FM, –111, and –111FM.

(i) No Reporting Requirement

Although the material referenced in Transport Canada AD CF–2024–40 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Special Flight Permits

A special flight permit may be issued in accordance with 14 CFR 21.197 and 21.199 to fly to a maintenance area to perform the required actions in this AD, provided there are no passengers onboard.

(k) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector,

or lacking a principal inspector, the manager of the local Flight Standards District Office/certificate holding district office.

(l) Additional information

For more information about this AD, contact Alexis Whitaker, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY; phone: (516) 228–7309; email: alexis.j.whitaker@faa.gov.

(m) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF–2024–40, dated December 3, 2024.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. 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 22, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–07275 Filed 4–23–25; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2025–0740; Project Identifier MCAI–2024–00775–R; Amendment 39–23022; AD 2025–09–01]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bell Textron Canada Limited (BTCL)

Model 505 helicopters. This AD was prompted by reports of possible chafing in certain locations between the basic and supplemental helicopter wiring and the structure. This AD requires repetitively inspecting the wire harnesses at certain locations for damage, and if any wire damage is found, repairing the damaged wire/bundles, as specified in a Transport Canada AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 13, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 13, 2025.

The FAA must receive comments on this AD by June 12, 2025.

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

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

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0740; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, Canada; phone: (888) 663-3639; email: TC.AirworthinessDirectives-Consignes denavigabilite.TC@tc.gc.ca; website: tc.canada.ca/en/aviation. You may find the Transport Canada material on the Transport Canada website at www.apps.tc.gc.ca/Saf-Sec-Sur/2/cawis-swimn/ad_qs1.aspx.

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX

76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0740.

FOR FURTHER INFORMATION CONTACT:

Michael Yeshiambel, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946-4133; email: michael.m.yeshiambel@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2025-0740; Project Identifier MCAI-2024-00775-R” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule 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](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to Michael Yeshiambel, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF-2024-44, dated December 19, 2024 (Transport Canada AD CF-2024-44) (also referred to as the MCAI), to correct an unsafe condition on certain serial-numbered BTCL Model 505 helicopters.

The MCAI states that BTCL was made aware of possible harness chafing in certain locations between basic and supplemental helicopter wiring and the structure. Potential fouling occurs under the floor starting at the forward canted bulkhead station (STA) 65 to the aft bulkhead at STA 180, including all structural frames and areas in between (STA 65, 82, 98, 109, 127, 146, 155, and 180). Chafing of the subject wiring could lead to a short to ground, which would command the engine to idle and could result in loss of control of the helicopter. The MCAI also states that the AD is considered an interim action and further AD action will follow once a final corrective action has been released by BTCL. The MCAI requires repetitively inspecting the wire harnesses at specified locations for damage, and if any wire damage is found, repairing the damaged wire/bundles as specified in Transport Canada AD CF-2024-44. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0740.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF-2024-44, which specifies procedures for repetitively inspecting the wire harnesses at certain locations for damage, and if any wire damage is found, repairing the damaged wire/bundles. 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 referenced above. The FAA is issuing this AD after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in the MCAI already described, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, Transport Canada AD CF–2024–44 is incorporated by reference in this AD. This AD requires compliance with Transport Canada AD CF–2024–44 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Material required by Transport Canada AD CF–2024–44 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–0740 after this AD is published.

Interim Action

The FAA considers that this AD is an interim action. The manufacturer is

currently developing a terminating action that will address the unsafe condition identified in this AD. Once the modification is developed, approved, and available, the FAA might consider additional rulemaking.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because chafing of the subject wiring could lead to a short to ground, which could cause the engine to idle in-flight and could lead to loss of control

of the helicopter. Because this situation can happen at any time and without warning, an inspection is necessary within 50 hours time-in-service or 30 days, whichever occurs first. This compliance time is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 174 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of wire harness for damage.	8 work-hours × \$85 per hour = \$680 per inspection cycle.	\$0	\$680 per inspection cycle	\$118,320 per inspection cycle.

The FAA estimates the following costs to do any necessary repairs that

would be required based on the results of the inspection. The agency has no

way of determining the number of helicopters that might need this repair:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair auto flight—wire harness	1 work-hour × \$85 per hour = \$85	\$0	\$85

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs describes in more detail the scope of the Agency’s authority. The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. For the reasons discussed above, I certify that this AD:

(1) Is not a “significant regulatory action” under Executive Order 12866, and

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–09–01 Bell Textron Canada Limited:
Amendment 39–23022; Docket No. FAA–2025–0740; Project Identifier MCAI–2024–00775–R.

(a) Effective Date

This airworthiness directive (AD) is effective May 13, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Canada Limited Model 505 helicopters, certificated in any category, as identified in Transport Canada AD CF–2024–44, dated December 19, 2024 (Transport Canada AD CF–2024–44).

(d) Subject

Joint Aircraft System Component (JASC) Code: 2200, Auto Flight System.

(e) Unsafe Condition

This AD was prompted by reports of possible chafing in certain locations between the basic and supplemental helicopter wiring and the structure. The FAA is issuing this AD to prevent fouling in the helicopter wiring and the structure. The unsafe condition, if not addressed, could result in a short to ground, which would command the engine to idle and could lead to loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2024–44.

(h) Exceptions to Transport Canada AD CF–2024–44

(1) Where Transport Canada AD CF–2024–44 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2024–44 refers to hours airtime, this AD requires using hours time-in-service.

(3) Where the material referenced in Transport Canada AD CF–2024–44 states to contact Bell Product Support Engineering if the fouling condition cannot be rectified, this AD requires contacting the Manager, International Validation Branch, FAA; Transport Canada; or Bell Textron Canada Limited’s Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Alternative Method of Compliance

The following provisions also apply to this AD.

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Additional Information

For more information about this AD, contact Michael Yeshiambel, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4133; email: michael.m.yeshiambel@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF–2024–44, dated December 19, 2024.

(ii) [Reserved]

(3) For Transport Canada AD CF–2024–44 material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, Canada; telephone (888) 663–3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca; website: tc.canada.ca/en/aviation. You may find the Transport Canada material on the Transport Canada website at wwwapps.tc.gc.ca/Saf-Sec-Sur/2/cawis-swimn/ad_qs1.aspx.

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. 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 21, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–07274 Filed 4–23–25; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–0161; Airspace Docket No. 25–AGL–1]

RIN 2120–AA66

Revocation of Class E Airspace; Pinecreek, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes the Class E airspace at Pinecreek, MN. This action is the result of the instrument procedures being cancelled and the airport closing.

DATES: Effective 0901 UTC, August 7, 2025. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11J, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it revokes the Class E airspace extending upward from 700 feet above the surface at Piney Pinecreek Border Airport, Pinecreek, MN, due to instrument procedures being cancelled and the airport closing.

History

The FAA published an NPRM for Docket No. FAA-2025-0161 in the **Federal Register** (90 FR 9701; February 18, 2025) proposing to revoke the Class E airspace at Pinecreek, MN. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received complaining that airport reporting points and services are no longer available, which does not pertain to revocation of the airspace due to the airport closing. A second comment was received supporting the action as it aligns with current aviation needs. No responses are provided.

Incorporation by Reference

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

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

The Rule

This action amends 14 CFR part 71 by removing the Class E surface area at

Piney Pinecreek Border Airport, Pinecreek, MN.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL MN E5 Pinecreek, MN [Removed]

* * * * *

Issued in Fort Worth, Texas, on April 23, 2025.

Wayne L. Eckenrode,

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

[FR Doc. 2025-07240 Filed 4-25-25; 8:45 am]

BILLING CODE 4910-13-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 70**

[EPA-R07-OAR-2023-0462; FRL-11395-02-R7]

Air Plan Approval; Kansas; Annual Emission Inventory and Fees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the State Implementation Plan (SIP) and Operating Permits Program and the 112(l) plan submitted by the State of Kansas on February 20, 2023. The revised Kansas rules update the Class I emission fee and emissions inventory regulations, establish a Class II fee schedule and ensure that Kansas's Operating Permits Program is adequately funded. Approval of these revisions ensures consistency between the State and federally-approved rules and does not impact air quality.

DATES: This final rule is effective on May 28, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2023-0462. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT:

William Stone, Environmental Protection Agency, Region 7 Office, Air Permitting and Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7714; email address: stone.william@epa.gov.

SUPPLEMENTARY INFORMATION:

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

Table of Contents

- I. What is being addressed in this document?
- II. Have the requirements for approval of a SIP revision been met?
- III. The EPA’s Response to Comments
- IV. What action is the EPA taking?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA is amending the Kansas SIP and the Operating Permits Program to include revisions received on February 20, 2023. The revisions restructure and update the Kansas Class I Operating Permit Program fee schedule for calendar year 2025 and beyond to bring in adequate revenue to support the Class I Operating Permit Program and establish a fee schedule for the Class II Federally Enforceable State Operating Permit (FESOP) Program. The EPA finds that these revisions meet the requirements of the Clean Air Act (CAA), do not impact the stringency of the SIP, and do not adversely impact air quality. The full text of these changes can be found in the State’s submission, which is included in the docket for this action.

On November 26, 2024, Kansas requested that the EPA exclude the term “electronically” from two places in the February 20, 2023, submittal because KDHE’s State and Local Emissions Inventory System (SLEIS) is not currently approved by the EPA to meet the Cross-Media Electronic Reporting Rule (CROMERR) at 40 CFR part 3.

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

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from August 25, 2022, to November 3, 2022, and received four comments. Kansas did not revise the rule based on public comment prior to submitting to the EPA, as noted in the State submission included in the docket for this action. In addition, as explained above the

revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. The EPA’s Response to Comments

The public comment period on the EPA’s proposed rule opened January 15, 2025, the date of its publication in the **Federal Register** and closed on February 14, 2025. During this period, the EPA received one comment that was supportive of our proposed approval.

IV. What action is the EPA taking?

We are amending the Kansas SIP and Operating Permit Program by approving the State’s request to revise three regulations:

K.A.R. 28–19–517. *Class I operating permits; annual emission inventory and fees*;

K.A.R. 28–19–546. *Class II operating permits; annual emission inventory and fees*; and

K.A.R. 28–19–564. *Class II operating permits; permits-by-rule; sources with actual emissions less than 50 percent of major source thresholds*.

V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of K.A.R. 28–19–546 and K.A.R. 28–19–564 as discussed in section I. of this preamble and as set forth below in the amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.¹

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a).

Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

This action is subject to the Congressional Review Act, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 27, 2025. Filing a petition for reconsideration by the Administrator of this final rule does not

¹ 62 FR 27968, May 22, 1997.

affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate

matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 70

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

Dated: April 9, 2025.

James Macy,
Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR parts 52 and 70 as set forth below:

EPA-APPROVED KANSAS REGULATIONS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart R—Kansas

■ 2. In § 52.870, the table in paragraph (c) is amended by revising the entries “K.A.R. 28–19–546” and “K.A.R. 28–19–564” to read as follows:

§ 52.870 Identification of plan.

* * * * *
(c) * * *

Kansas citation	Title	State effective date	EPA approval date	Explanation
Kansas Department of Health and Environment Ambient Air Quality Standards and Air Pollution Control				
*	*	*	*	*
Class II Operating Permits				
*	*	*	*	*
K.A.R. 28–19–546	Definitions Class II operating permits; annual emission inventory	12/23/2022	4/28/2025, 90 FR [insert Federal Register page where the document begins].	*
*	*	*	*	*
K.A.R. 28–19–564	Permit-by-Rule; Sources with Actual Emissions Less Than 50 Percent of Major Source Thresholds.	12/23/2022	4/28/2025, 90 FR [insert Federal Register page where the document begins].	*
*	*	*	*	*

* * * * *

PART 70—STATE OPERATING PERMIT PROGRAMS

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

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

■ 4. Appendix A to part 70 is amended by adding paragraph (h) under “Kansas” to read as follows:

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

* * * * *

Kansas

* * * * *

(h) The Kansas Department of Health and Environment submitted revisions to Kansas rules K.A.R. 28–19–517, on February 20, 2023. The State effective date is December

23, 2022. This revision is effective May 28, 2025.

* * * * *

[FR Doc. 2025–07261 Filed 4–25–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R03–OAR–2024–0316; FRL–11777–02–R3]

Air Plan Approval; Pennsylvania; Redesignation of the Allegheny County Nonattainment Area to Attainment and Approval of the Area’s Maintenance Plan for the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving both a redesignation request and state implementation plan (SIP) revision submitted on November 14, 2023 by the Commonwealth of Pennsylvania on behalf of the Allegheny County Health Department (ACHD). The request asked the EPA to redesignate the Allegheny County, Pennsylvania area from nonattainment to attainment for the 2010 1-hour primary sulfur dioxide (SO₂) national ambient air quality standard (NAAQS), while the revision included Allegheny County’s maintenance plan for the 2010 1-hour primary SO₂ standard for the Allegheny County Area. The EPA is approving this redesignation of the Allegheny County Area from nonattainment to attainment for the 2010 SO₂ NAAQS and the revision to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on May 28, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2024–0316. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through www.regulations.gov, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Philip McGuire, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2251. Mr. McGuire can also be reached via electronic mail at mcguire.philip@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On December 11, 2024 (89 FR 99790), the EPA published a notice of proposed rulemaking (NPRM) for the Commonwealth of Pennsylvania. In the NPRM, the EPA proposed to redesignate the Allegheny County, Pennsylvania area from nonattainment to attainment for the 2010 1-hour primary SO₂ NAAQS. The EPA also proposed approval of a revision to the Pennsylvania SIP which included Allegheny County's maintenance plan for the 2010 1-hour primary SO₂ NAAQS, the approval of which is required for redesignation under CAA section 107(d)(3)(E). The formal SIP revision was submitted by Pennsylvania on behalf of ACHD on November 14, 2023. The public comment period for the proposed rule ended on January 10, 2024 and the EPA received no comments during the public comment period.

II. Summary of SIP Revision and EPA Analysis

The December 11, 2024 proposal (89 FR 99790) provides a detailed discussion of the requirements of CAA section 107(d)(3)(E)—which identifies the five criteria that must be met before a nonattainment area may be redesignated to attainment—and the

EPA's analysis of how each requirement was met. To summarize this discussion: (1) the EPA determined that the Allegheny County Area attained the 2010 SO₂ NAAQS based on air quality monitoring data in compliance with the standard and on emissions data that is below modeled emissions limits identified in Pennsylvania's 2017 attainment plan; (2) the EPA determined that Pennsylvania has a fully approved SIP for the Allegheny County Area under section 110(k) of the CAA for all requirements applicable for purposes of redesignation; (3) the EPA determined that the improvement in the Allegheny County Area's air quality is due to permanent and enforceable reductions in emissions, including implemented control measures and lower permitted SO₂ emissions rates at various facilities throughout the Allegheny County Area; (4) the EPA determined that Pennsylvania's maintenance plan was fully approvable and ensures that the Allegheny County Area will continue to attain the 2010 SO₂ NAAQS for at least 10 years following redesignation and further includes contingency measures to correct for any potential future 2010 SO₂ NAAQS violations; and (5) the EPA determined that Pennsylvania has met all applicable requirements for the Allegheny County Area under CAA section 110 and part D. Additional rationale for the EPA's proposed action are explained in the NPRM, and will not be restated here. No public comments were received on the NPRM.

III. Final Action

The EPA is approving the redesignation of the Allegheny County Area from nonattainment to attainment in accordance with Pennsylvania's November 14, 2023, request. The criteria under CAA section 107(d)(3)(E) as specific to the 2010 SO₂ NAAQS have been met. The EPA is determining that the Allegheny County Area is attaining the 2010 SO₂ NAAQS, the state has a fully approved applicable state implementation plan under CAA section 110(k), the improvement in air quality is due to permanent and enforceable SO₂ emission reductions in the Allegheny County Area, the state now has a fully approved maintenance plan for the area (as noted below), and the state has met all requirements applicable to the area under CAA section 110 and Part D. On this basis, the EPA is approving the redesignation request from Pennsylvania for the Allegheny County Area and changing the legal designation of the Allegheny County Area at 40 CFR part 81 to attainment for the 2010 SO₂ NAAQS.

The EPA is also approving the Allegheny County 2010 SO₂ NAAQS maintenance plan as a revision to the Pennsylvania SIP. The maintenance plan demonstrates that the area will continue to maintain the 2010 SO₂ NAAQS for at least 10 years following redesignation and includes a process to implement contingency measures to remedy any future violations of the 2010 SO₂ NAAQS.

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

This action is subject to the Congressional Review Act, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 27, 2025. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness

of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

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

Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 81

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

Catherine A. Libertz,

Acting Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR parts 52 and 81 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding the entry “Maintenance Plan for the Allegheny County, Pennsylvania Nonattainment Area for the 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard” at the end of the table to read as follows:

§ 52.2020 Identification of plan.

*	*	*	*	*
(e)	*	*	*	*
(1)	*	*	*	*

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* * * * *	* * * * *	*	*	*
Maintenance Plan for the Allegheny County, Pennsylvania Nonattainment Area for the 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard.	Cities of Clairton, Duquesne, and McKeesport; the Townships of Elizabeth, Forward, and North Versailles, and the following Boroughs: Braddock, Dravosburg, East McKeesport, East Pittsburgh, Elizabeth, Glassport, Jefferson Hills, Liberty, Lincoln, North Braddock, Pleasant Hills, Port Vue, Versailles, Wall, West Elizabeth, and West Mifflin.	11/14/2023	4/28/2025, 90 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

* * * * *

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. In § 81.339, amend the table entitled “Pennsylvania—2010 Sulfur Dioxide NAAQS [Primary],” by revising the entry for “Allegheny County (part)” to read as follows:

§ 81.339 Pennsylvania.

* * * * *

PENNSYLVANIA—2010 SULFUR DIOXIDE NAAQS

[Primary]

Designated area ¹	Designation	
	Date ²	Type
Allegheny, PA: Allegheny County (part) The area consisting of: Borough of Braddock, Borough of Dravosburg, Borough of East McKeesport, Borough of East Pittsburgh, Borough of Elizabeth, Borough of Glassport, Borough of Jefferson Hills, Borough of Liberty, Borough of Lincoln, Borough of North Braddock, Borough of Pleasant Hills, Borough of Port Vue, Borough of Versailles, Borough of Wall, Borough of West Elizabeth, Borough of West Mifflin, City of Clairton, City of Duquesne, City of McKeesport, Elizabeth Township, Forward Township, North Versailles Township.	5/28/2025	Attainment.

* * * * *

¹ Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

² This date is April 9, 2018, unless otherwise noted.

* * * * *

[FR Doc. 2025-07255 Filed 4-25-25; 8:45 am]

BILLING CODE 6560-50-P

Notices

Federal Register

Vol. 90, No. 80

Monday, April 28, 2025

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS-DA-25-0007]

Notice of Request for Extension and Revision of a Currently Approved Information Collection for the Dairy Product Mandatory Reporting Program

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension and revision of a currently approved information collection under the Dairy Product Mandatory Reporting Program. The information collected supports the marketing of dairy products and is used to verify compliance with Federal milk marketing regulations.

DATES: Comments on this notice must be received by June 27, 2025, to be considered.

ADDRESSES: Interested persons are invited to submit comments by using the electronic process available at <https://www.regulations.gov> or sent to Lorie Cashman, USDA/AMS/Dairy Program, Economics Division, STOP 0225-Room 2535, 1400 Independence Avenue SW, Washington, DC 20250-0225. All comments should reference the docket number (AMS-DA-25-0007), the date, and page number of this issue of the **Federal Register**. All comments received will be posted without change, including any personal information provided at <https://www.regulations.gov> and will be included in the record and made available to the public. Please do not include personally identifiable information (such as name, address, or other contact information) or confidential business information that

you do not want publicly disclosed. Comments may be submitted anonymously.

FOR FURTHER INFORMATION CONTACT:

Lorie Cashman, USDA/AMS/Dairy Program, Economics Division, by telephone: (202) 720-4405, or by Email: Lorie.Cashman@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Dairy Products Mandatory Sales Reporting.

OMB Number: 0581-0274.

Expiration Date of Approval: February 28, 2026.

Type of Request: Extension and revision of a currently approved collection.

Abstract: Under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*), as amended, persons engaged in manufacturing dairy products are required to provide to the Department of Agriculture (USDA) certain information, including the price, quantity, and moisture content, where applicable, of dairy products sold by the manufacturer. Manufacturers and other persons storing dairy products must also report to USDA information on the quantity of dairy products stored. This information is used by USDA to help administer Federal programs and is used by the dairy industry in planning, pricing, and projecting supplies of milk and milk products.

Under the Dairy Product Mandatory Reporting Program (7 CFR part 1170), various manufacturer reports are filed electronically on a weekly basis. USDA publishes composites of the information obtained to help industry members make informed marketing decisions regarding dairy products. The information is also used to establish minimum prices for Class III and Class IV milk under Federal milk marketing orders. Additional paper forms are filed by manufacturers on an annual basis to validate participation in the mandatory reporting program. USDA uses the information collected to verify compliance with applicable regulations.

Only authorized representatives of USDA, including AMS Dairy Program's regional and headquarters staff, have access to information provided on the forms.

Requesting public comments on the information collection and forms described below is part of the process to obtain approval through the Office of Management and Budget (OMB). Forms

needing OMB approval are contained in OMB No. 0581-0274 and include forms for reporting cheddar cheese price and volume (DY-202); butter price and volume (DY-201); nonfat dry milk price and volume (DY-205); and dry whey price and volume (DY-204). Annual validation information is reported on Forms DA-230 and DA-230-S. Manufacturers and others who are required to file reports under this program must also maintain original records associated with the sale and storage of dairy products for two years and must make those records available to USDA upon request. Manufacturers who produce and annually market less than one million pounds of cheddar cheese, butter, nonfat dry milk, or dry whey are exempt from the reporting requirements for those products.

Information collection requirements included in this request for an extension are as follows:

(1) Dairy Products Sales, Cheddar Cheese, 40-Pound Blocks

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 20 minutes per week for each report submitted.

Respondents: Cheddar cheese manufacturers of 40-pound blocks. Each reporting entity may report for a single cheddar cheese plant or it may report for more than one cheddar cheese plant, depending upon how the business is structured.

Estimated Number of Respondents: 18.

Estimated Number of Responses per Respondent: 52.

Estimated Total Annual Burden on Respondents: 312 hours.

(2) Dairy Products Sales, Butter

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 20 minutes per week for each report submitted.

Respondents: Butter manufacturers. Each reporting entity may report for a single butter plant or it may report for more than one butter plant, depending upon how the business is structured.

Estimated Number of Respondents: 16.

Estimated Number of Responses per Respondent: 52.

Estimated Total Annual Burden on Respondents: 277 hours.

(3) Dairy Products Sales, Nonfat Dry Milk

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 20 minutes per week for each report submitted.

Respondents: Nonfat dry milk (NFDM) manufacturers. Each reporting entity may report for a single NFDM plant or it may report for more than one NFDM plant, depending upon how the business is structured.

Estimated Number of Respondents: 27.

Estimated Number of Responses per Respondent: 52.

Estimated Total Annual Burden on Respondents: 468 hours.

(4) Dairy Products Sales, Dry Whey

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 20 minutes per week for each report submitted.

Respondents: Dry whey manufacturers. Each reporting entity may report for a single dry whey plant or it may report for more than one dry whey plant, depending upon how the business is structured.

Estimated Number of Respondents: 16.

Estimated Number of Responses per Respondent: 52.

Estimated Total Annual Burden on Respondents: 277 hours.

(5) Annual Validation Survey

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 20 minutes per year for each report submitted.

Respondents: Dairy manufacturers. Each reporting entity may report for a single plant or it may report for more than one plant, depending upon how the business is structured.

Estimated Number of Respondents: 96.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 32 hours.

(6) Follow-Up Verification for Data Reported in Items (1)–(4)

Follow up questions may be sent to respondents for questionable data submitted for the weekly dairy product sales data collection. The follow-up verification is sent via email or phone call.

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 5 minutes for each contact from AMS.

Respondents: Dairy manufacturers. AMS may contact manufacturers required to report in sections (1)–(4) as necessary to follow up on missing or incomplete reports and ensure accurate information is provided by manufacturers.

Estimated Number of Respondents: 7.

Estimated Number of Responses per Respondent: 52.

Estimated Total Annual Burden on Respondents: 30 hours.

Comments: Comments are invited on: (1) Whether the proposed collection of the information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments on this notice will be summarized and included in the submission for OMB approval and will become a matter of public record.

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.

A 60-day comment period is provided to allow interested persons to respond to the notice.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2025–07200 Filed 4–25–25; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE**Submission for OMB Review; Comment Request**

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are required regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have

practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by May 28, 2025 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Farm Service Agency

Title: 2017 Wildfires and Hurricanes Indemnity Program (2017 WHIP) and (Florida Citrus Block Grant) and Quality Loss Adjustment (QLA) Program.

OMB Control Number: 0560–0291.

Summary of Collection: The Bipartisan Budget Act of 2018 (BBA, Pub. L. 115–123) authorized \$2.36 billion in assistance for losses to crops, trees, bushes, and vine losses due to 2017 wildfires and hurricanes. The Farm Service Agency (FSA) is implementing the provisions of the BBA by providing up to \$2 billion in assistance to eligible producers through the 2017 WHIP, and approximately \$340 million through a block grant with the State of Florida to address losses to citrus trees, and production.

FSA is also providing the QLA assistance to the producers as specified in the Disaster Relief Act. The Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Disaster Relief Act; Pub. L. 116–20) also provides disaster assistance for necessary expenses related to losses of crops (including milk, on-farm stored commodities, crops prevented from planting in 2019, and harvested

adulterated wine grapes), trees, bushes, and vines, as a consequence of hurricanes, floods, tornadoes, typhoons, volcanic activity, snowstorms, and wildfires occurring in calendar years 2018 and 2019.

Need and Use of the Information: In order for FSA to determine whether a producer is eligible for 2017 WHIP and to calculate a payment, a producer is required to submit FSA-890 2017, WHIP application; FSA-891, Crop Insurance and/or NAP Coverage Agreement; FSA-892, Request for an Exception to the WHIP Payment Limitation (if applicable); FSA-893, 2018 Citrus Actual Production History and Approved Yield Record (Florida Only); CCC-902, Farm Operating Plan for Payment Eligibility; FSA-578, Report of Acreage; and AD-1026, Highly Erodible Land Conservation (HELIC) and Wetland Conservation Certification. The information collected from the forms will be used by FSA and the State of Florida to determine eligibility and distribute payments to eligible producers under WHIP.

In order to determine whether a producer is eligible for the QLA Program and to calculate a payment, a producer is required to submit form FSA-898, QLA Program application; form FSA-899, Historical Nutritional Value Weighted Average Worksheet (Continuation); form FSA-895, Crop Insurance and/or NAP Coverage Agreement; form FSA-578, Report of Acreage; required documentation of the producer's loss, form CCC-902I, Farm Operating Plan for Individuals; form CCC-901, Member's Information; form CCC-941, Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure Tax Information; form CCC-942, Certification of Income from Farming, Ranching and Forestry Operations, if applicable, and form AD-1026, Highly Erodible Land Conservation (HELIC) and Wetland Conservation Certification. Failure to submit the application and the additional forms would result in payments not being provided to eligible producers.

Description of Respondents: Individuals and households.

Number of Respondents: 7,248.

Frequency of Responses: Recordkeeping; Annually.

Total Burden Hours: 604.

Rachelle Ragland-Greene,
Departmental Information Collection
Clearance Officer.

[FR Doc. 2025-07226 Filed 4-25-25; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

The Emergency Food Assistance Program; Availability of Foods for Fiscal Year 2025

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the surplus and purchased foods that the Department expects to make available for donation to States for use in providing nutrition assistance to the needy under The Emergency Food Assistance Program (TEFAP) in Fiscal Year (FY) 2025. The foods made available under this notice must, at the discretion of the State, be distributed to eligible recipient agencies (ERAs) for use in preparing meals and/or for distribution to households for home consumption.

FOR FURTHER INFORMATION CONTACT: Food Distribution Policy Branch, Policy Division, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, Alexandria, Virginia 22314. Tel. 703-305-4386. Email USDAFoods@USDA.gov.

SUPPLEMENTARY INFORMATION: In accordance with the provisions set forth in the Emergency Food Assistance Act of 1983 (EFAA), 7 U.S.C. 7501, *et seq.*, and the Food and Nutrition Act of 2008, 7 U.S.C. 2036, the Department makes foods available to States for use in providing nutrition assistance to those in need through TEFAP. In accordance with section 214 of the EFAA, 7 U.S.C. 7515, funding for TEFAP foods is allocated among States according to a formula that accounts for poverty and unemployment levels within each State. Section 214(a)(1) of the Act requires that 60 percent of each State's allocation be based on the number of people with incomes below the poverty level within the State; and Section 214(a)(2) requires that the remaining 40 percent be equal to the percentage of the nation's unemployed persons within the State. State officials are responsible for establishing the network through which the foods will be used by ERAs in providing nutrition assistance to those in need and for allocating foods among those ERAs. States have full discretion in determining the amount of foods that will be made available to ERAs for use in preparing meals and/or for distribution to households for home consumption.

Surplus Foods

Surplus foods donated for distribution under TEFAP are Commodity Credit Corporation (CCC) foods purchased under the authority of section 416 of the Agricultural Act of 1949, 7 U.S.C. 1431 (section 416) and foods purchased under the surplus removal authority of section 32 of the Act of August 24, 1935, 7 U.S.C. 612c (section 32). The types of foods typically purchased under section 416 include dairy, grains, oils, and peanut products. The types of foods purchased under section 32 include meat, poultry, fish, vegetables, dry beans, juices, and fruits.

Approximately \$262 million in surplus foods acquired in FY 2024 are being delivered to States in FY 2025. Surplus foods currently scheduled for delivery in FY 2025 include almonds, apples, applesauce, asparagus, cheese, dates, figs, fish, grape juice, grapefruit, hazelnuts, milk, peaches, pears, pecans, pistachios, plums, potatoes, strawberries, and walnuts. Other surplus foods may be made available to TEFAP throughout the year. The Department would like to point out that food acquisitions are based on changing agricultural market conditions; therefore, the availability of foods is subject to change.

Purchased Foods

In accordance with section 27 of the Food and Nutrition Act of 2008, 7 U.S.C. 2036, the Secretary is directed to purchase an estimated \$462.25 million worth of foods in FY 2025 for distribution through TEFAP.

For FY 2025, the Department anticipates purchasing the foods listed in the following table for distribution through TEFAP. The amounts of each item purchased will depend on the prices the Department must pay, as well as the quantity of each item requested by the States. Changes in agricultural market conditions may result in the availability of additional types of foods or the non-availability of one or more foods listed in the table.

FY 2025 USDA FOODS AVAILABLE LIST FOR THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

FRUITS:

Apples, Braeburn, Fresh
Apples, Empire, Fresh
Apples, Fuji, Fresh
Apples, Gala, Fresh
Apples, Granny Smith, Fresh
Apples, Red Delicious, Fresh
Apples, Fresh
Apple Juice, 100%, Unsweetened
Apple Slices, Unsweetened, Frozen (IQF)
Applesauce, Unsweetened, Canned (K)

**FY 2025 USDA FOODS AVAILABLE
LIST FOR THE EMERGENCY FOOD
ASSISTANCE PROGRAM (TEFAP)—
Continued**

Applesauce, Unsweetened, Cups, Shelf-Stable
Apricots, Halves, Extra Light Syrup, Canned
Blueberries, Highbush, Unsweetened, Frozen
Cherry Apple Juice, 100%, Unsweetened
Cranberry Apple Juice, 100%, Unsweetened
Cranberries, Dried, Individual Portion
Grape Juice, Concord, 100%, Unsweetened
Grapefruit Juice, 100%, Unsweetened
Fruit and Nut Mix, Dried
Mixed Fruit, Extra Light Syrup, Canned
Oranges, Fresh
Orange Juice, 100%, Unsweetened
Peaches, Freestone, Slices, Frozen
Peaches, Sliced, Extra Light Syrup, Canned
Pears, Bartlett, Fresh
Pears, Bosc, Fresh
Pears, D'Anjou, Fresh
Pears, Fresh
Pears, Extra Light Syrup, Canned (K)
Plums, Pitted, Dried
Raisins, Unsweetened, Individual Portion
Raisins, Unsweetened
Strawberries, Whole, Unsweetened, Frozen (IQF)

DAIRY:

Cheese, American, Reduced Fat, Loaves, Refrigerated
Cheese, Cheddar, Yellow, Shredded, Refrigerated
Cheese, Cheddar, Yellow, Chunks, Refrigerated
Milk, 1%, Shelf-Stable UHT
Milk, 1%, Individual Portion, Shelf-Stable UHT
Milk 1% Fresh
Milk, Skim, Fresh
Yogurt, High-Protein, Vanilla, Chilled (K)
Yogurt, High-Protein, Blueberry, Chilled (K)
Yogurt, High-Protein, Strawberry, Chilled (K)

VEGETABLES:

Beans, Green, Low-sodium, Canned (K)
Beans, Green, No Salt Added, Frozen
Carrots, Diced, No Salt Added, Frozen
Carrots, Sliced, Low-sodium, Canned
Corn, Whole Kernel, No Salt Added, Canned (K)
Corn, Cream Style, Low-sodium, Canned
Corn, Whole Kernel, No Salt Added, Frozen
Mixed Produce Box, Fresh
Mixed Vegetables, 7-Way Blend, Low-sodium, Canned
Peas, Green, Low-sodium, Canned
Peas, Green, No Salt Added, Frozen
Potatoes, Dehydrated Flakes
Potatoes, Round, Fresh
Potatoes, Russet, Fresh
Potatoes, Sliced, Low-sodium, Canned
Pumpkin, No Salt Added, Canned
Spaghetti Sauce, Low-sodium, Canned
Spinach, Low-sodium, Canned
Sweet Potatoes, Fresh
Tomato Juice, 100%, Low-sodium
Tomato Sauce, Low-sodium, Canned

**FY 2025 USDA FOODS AVAILABLE
LIST FOR THE EMERGENCY FOOD
ASSISTANCE PROGRAM (TEFAP)—
Continued**

Tomato Sauce, Low-sodium, Canned (K) (H)
Tomato Soup, Condensed, Low-sodium, Canned
Tomatoes, Diced, No Salt Added, Canned
Vegetable Soup, Condensed, Low-Sodium, Canned

LEGUMES:

Beans, Black, Low-sodium, Canned
Beans, Black-eyed Pea, Low-sodium, Canned
Beans, Black-eyed Pea, Dry
Beans, Garbanzo, Canned (K)
Beans, Great Northern, Dry
Beans, Kidney, Light Red, Low-sodium, Canned
Beans, Kidney, Light Red, Dry
Beans, Lima, Baby, Dry
Beans, Pinto, Low-sodium, Canned
Beans, Pinto, Dry
Beans, Refried, Low-sodium, Canned
Beans, Vegetarian, Low-sodium, Canned
Lentils, Dry
Peas, Green Split, Dry

PROTEIN FOODS:

Alaska Pollock, Fillets, Frozen
Alaska Pollock, Whole Grain Breaded Fish Sticks, Frozen
Almonds, Natural, Whole, Shelled
Atlantic Haddock, Fillet, Frozen
Atlantic Ocean Perch, Fillet, Frozen
Atlantic, Pollock, Fillet, Frozen
Beef, Canned/Pouch
Beef, Fine Ground, 85% Lean/15% Fat, Frozen
Beef, Fine Ground, 85% Lean/15% Fat, Frozen, LFTB OPT, Frozen
Beef Stew, Canned/Pouch
Catfish, Fillets, Farm-Raised, Frozen
Catfish, Filets, Wild-Caught, Frozen
Chicken, Boneless Breast, Frozen
Chicken, Canned
Chicken, Drumsticks, Frozen
Chicken, Pouch
Chicken, Split Breast, Frozen
Chicken, Whole, Frozen
Eggs, Fresh
Egg Mix, Dried
Peanut Butter, Smooth
Peanut Butter, Smooth (K)
Peanut Butter, Smooth, Individual Portion
Peanuts, Roasted, Unsalted
Pork, Canned/Pouch
Pork, Ham, Frozen
Salmon, Pink, Canned
Salmon, Pink, Canned (K)
Turkey, Deli Breast, Sliced, Frozen
Walnut, Pieces

KEY:

H—Halal Certification Required
K—Kosher Certification Required
IQF—Individually Quick Frozen
UHT—Ultra-High Temperature Pasteurization
LFTB OTP—Lean Finely Textured Beef Optional
WG—Whole Grain

GRAINS:

Bakery Mix, Low-fat (K)
Cereal, Ready-to-Eat
Cereal, Wheat Farina, Enriched

**FY 2025 USDA FOODS AVAILABLE
LIST FOR THE EMERGENCY FOOD
ASSISTANCE PROGRAM (TEFAP)—
Continued**

Crackers, Unsalted
Cornmeal, Yellow
Flour, All Purpose, Enriched, Bleached
Flour, White Whole Wheat (WG)
Grits, Corn, White
Grits, Corn, Yellow
Oats, Rolled, Quick Cooking (WG)
Pasta, Egg Noodles
Pasta, Macaroni, Enriched
Pasta, Macaroni (WG)
Pasta, Macaroni and Cheese
Pasta, Rotini (WG)
Pasta, Spaghetti, Enriched
Pasta, Spaghetti (WG)
Rice, Brown, Long-Grain, Parboiled (WG)
Rice, Medium Grain
Rice, Long Grain
Tortillas, Frozen (WG)

OILS:

Oil, Vegetable

OTHER:

Soup, Cream of Chicken, Condensed, Reduced Sodium
Soup, Cream of Mushroom, Condensed, Reduced Sodium

James Miller,

Administrator, Food and Nutrition Service, USDA.

[FR Doc. 2025–07285 Filed 4–25–25; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket No. RUS–24–AGENCY–0036]

**Notice of Intent To Adopt a Final
Environmental Impact Statement**

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: Rural Development (RD), a mission area within the United States Department of Agriculture (USDA) announces its intent to adopt the final environmental impact statement (FEIS) titled “Hydropower License, Sweetheart Lake Hydroelectric Project—FERC Project No. 13563–003 Alaska,” under the Environmental Impact Statement (EIS) adoption provisions of the Council on Environmental Quality (CEQ).

DATES: Comment Date: RD will accept comments that are received or postmarked by May 28, 2025.

ADDRESSES: You may submit comments concerning the adoption of the FEIS titled “Hydropower License, Sweetheart Lake Hydroelectric Project—FERC Project No. 13563–003 Alaska,” or submit comments on actions being proposed by RD regarding this matter to the Federal eRulemaking Portal at

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

The FEIS can be accessed here: <https://www.ferc.gov/final-environmental-impact-statement-sweetheart-lake-hydroelectric-project-p-13563-003-issued-may>.

FOR FURTHER INFORMATION CONTACT:

Russell Japuntich, Environmental Protection Specialist, Environmental and Historic Preservation Division, Rural Utilities Service, 1400 Independence Avenue SW, Mail Stop 1548—Room 4004, Phone (970) 566–1575; Email russell.japuntich@usda.gov.

SUPPLEMENTARY INFORMATION: RD announces its intent to adopt the FEIS titled “Hydropower License, Sweetheart Lake Hydroelectric Project—FERC Project No. 13563–003 Alaska” prepared by the Federal Energy Regulatory Commission’s (FERC) under the EIS adoption provisions of the CEQ regulations (40 CFR 1506.3 (2024)). The FEIS was filed by FERC with an Order Issuing Original License on September 8, 2016. RD is deciding whether to provide funding for the same project. RD is proposing this adoption because it has conducted an independent review of the EIS and determined that it meets the standards for an adequate statement according to RD regulations at 7 CFR 1970, Subpart D. RD further determined that its action is substantially the same as that of FERC given that the agencies are both taking action on the same project, thus RD is adopting the EIS as final, consistent with 40 CFR 1506.3 (2024). The FEIS adequately assessed the environmental impacts associated with the hydroelectric project in which RD is deciding whether or not to fund.

Prior to proposing adoption, RD reviewed the FEIS and determined that the analysis performed by FERC in 2016 was still current and sufficient for the actions. RD conducted consultation under Section 106 of the National Historic Preservation Act. RD requested concurrence that the informal consultation conducted by FERC under Section 7 of the Endangered Species Act with U.S. Fish and Wildlife Service and National Marine Fisheries Service was still current and valid. USFWS and NMFS responded that the informal consultation was still current and valid and no new species were added since the initial consultation.

The project would be located on Lower Sweetheart Lake and Sweetheart Creek, within the City and Borough of Juneau, Alaska. The project would occupy 2,058.24 acres of Federal lands within Tongass National Forest, administered by the USDA, Forest Service. The Forest Service adopted the

FEIS with a Record of Decision in September of 2017 and issued the applicant a special use authorization. The project would also occupy 131.18 acres of tideland and submerged lands of the State of Alaska. The proposed project would generate an average of about 116,000 megawatt-hours of energy annually.

The Sweetheart Lake Hydroelectric Project may be funded under the Electric Infrastructure Loan and Loan Guarantee Program. Under the Rural Electrification Act (RE Act) of 1936, as amended, the Secretary of Agriculture is authorized and empowered to make loans to nonprofit cooperatives and others for rural electrification for the purpose of financing the construction and operation of generating plants, electric transmission and distribution lines, or systems for the furnishing and improving of electric service to persons in rural areas (7 U.S.C. 904). A primary function or mission of RUS is to carry out the electric loan program (7 U.S.C. 6942). The project would occupy Federal lands and non-Federal lands. Project features include:

(a) A 280-foot-long, 111-foot-high concrete dam at the existing natural outlet of Lower Sweetheart Lake, with a 125-foot-long ungated overflow spillway;

(b) A 525-foot-long, 10-foot-high, 10-foot-wide arched reservoir outlet tunnel;

(c) A 45-foot-long, 25-foot-wide, 16-foot-high rectangular intake structure, with six 7-foot-diameter, 10-foot-high cylindrical fish screens adjacent to the right dam abutment;

(d) A 9,612-foot-long, 15-foot-wide, 15-foot-high underground power tunnel;

(e) An 896-foot-long, 9-foot diameter steel penstock installed within the lower portion of the power tunnel;

(f) Three 160-foot-long, 7- to 9-foot-diameter buried steel penstocks connecting the lower portion of the power tunnel to the powerhouse;

(g) A 160-foot-long, 60-foot-wide, 30-foot-high concrete and steel powerhouse;

(h) Three 7.1-megawatt (MW) turbines and three 6.6-MW generators;

(i) A 541-foot-long, 30- to 90-foot-wide rock tailrace with a fish exclusion structure;

(j) A 4,400-foot-long coastal road from the powerhouse to a dock/landing site for vehicle access is located on the east shore of Gilbert Bay;

(k) An 8.69-mile-long, 138-kilovolt (kV) transmission line traversing Gilbert Bay, the Snettisham Peninsula, and Port Snettisham, consisting of: (1) two buried segments, totaling 4,800 feet in length (2) two submarine segments, totaling

25,700 feet in length; and (3) one 15,400-foot-long overhead segment;

(l) A 22,000-square-foot fenced switchyard adjacent to the powerhouse;

(m) A 60-foot by 60-foot switchyard at the end of the transmission line on the north shore of Port Snettisham;

(n) A 25-foot-long, 5-foot-wide, 4-foot-deep salmon smolt re-entry pool adjacent to the powerhouse and tailrace;

(o) A 4,225-square-foot caretaker’s facility near the dock;

(p) A 4,400-foot-long, 12.47-kV service buried transmission line and communication cable from the powerhouse to the dock and caretaker’s facility;

(q) A 10,000-foot-long, 12.47-kV service transmission line and communication cable extending from the powerhouse to the dam site, in conduit inside the power tunnel;

(r) A 400-square-foot shelter at the dam site for employee use during smolt transport facility Operations; and

(s) Appurtenant facilities.

RD requests comments from the public, other agencies, Tribes, and other interested parties on the proposal to adopt the FERC FEIS, and any other associated issues or concerns that RD may need to consider before adopting this action.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service, USDA Rural Development.

[FR Doc. 2025–07207 Filed 4–25–25; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Illinois Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Illinois Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public business meeting via Zoom at 2:00 p.m. CT on Wednesday, June 4, 2025.

DATES: Wednesday, June 4, 2025, from 2:00 p.m.–4:00 p.m. Central Time.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_d1tOGfjpRNC0IWRdfHwkhg.

Join by Phone (Audio Only): (833) 435-1820 USA Toll-Free; Meeting ID: 161 193 0633.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer, at afortes@usccr.gov or (202) 681-0857.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Liliana Schiller, Support Services Specialist, at lschiller@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Ana Victoria Fortes at afortes@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 681-0857.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website, www.box.com. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at the above phone number.

Agenda

- I. Welcome & Roll Call
- II. Administrative Announcements
- III. Concept Stage Presentation
- IV. Discuss Topics for Study
- V. Public Comment
- VI. Next Steps
- VII. Adjournment

Dated: April 22, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025-07210 Filed 4-25-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-010, C-570-011]

Crystalline Silicon Photovoltaic Products, 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, the antidumping duty (AD) and countervailing duty (CVD) orders on crystalline silicon photovoltaic products, whether or not assembled into modules (solar products), from the People's Republic of China (China) with respect to certain small, low-wattage, off-grid crystalline silicon photovoltaic (CSPV) cells. Interested parties are invited to comment on these preliminary results.

DATES: Applicable April 28, 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 February 18, 2015, Commerce published the AD and CVD orders on solar products 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 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 *Orders* proposed by Lutron.³

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 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. For purposes of these *Orders*, subject merchandise includes modules, laminates and/or panels assembled in China consisting of crystalline silicon photovoltaic cells produced in a customs territory other than China.

Subject merchandise includes modules, laminates and/or panels assembled in China consisting of 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.

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 these *Orders* are modules, laminates and/or panels assembled in China, consisting of crystalline silicon photovoltaic cells, not exceeding 10,000 mm² in surface

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 Reviews, and Consideration of Revocation of the Antidumping and Countervailing Duty Orders, in Part*, 89 FR 84120 (October 21, 2024) (*Initiation Notice*).

⁵ *Id.*, 89 FR at 84121.

¹ See *Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 80 FR 8592 (February 18, 2015) (*Orders*).

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 module, laminate and/or panel is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all modules, laminates and/or panels that are integrated into the consumer good.

Further, also excluded from the scope of these *Orders* are any products covered by the existing antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, laminates and/or panels, from China.

Additionally, excluded from the scope of these *Orders* are solar panels that are: (1) less than 300,000 mm² 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.”

Also excluded from the scope of these *Orders* are off-grid crystalline silicon photovoltaic panels without a glass cover with the following characteristics: (1) total power output of 500 watts or less per panel; (2) maximum surface area of 8,000 cm² per panel; (3) unit does not include a built-in inverter; (4) unit has visible parallel grid collector metallic wire lines every 2-40 millimeters across each solar panel (depending on model); (5) solar cells are encased in laminated frosted PET material without stitching; (6) the panel is encased in polyester fabric with visible stitching which includes a Velcro-type storage pocket and unit closure, or encased within a Neoprene clamshell (depending on model); and (7) includes LED indicator.

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.

Merchandise covered by these *Orders* is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6015, 8541.40.6020, 8541.40.6030, 8541.40.6035 and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of these *Orders* is dispositive.

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.⁶

Lutron requests that the following 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.⁷

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.⁸ 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.⁹

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.¹⁰ In that letter, the Alliance did not indicate its share of production of the domestic like product.¹¹ 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 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.¹² 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

⁸ See section 782(h)(2) of the Act; and 19 CFR 351.222(g)(1)(i).

⁹ See, e.g., *Certain Cased Pencils from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review, and Intent To Revoke Order in Part*, 77 FR 42276 (July 18, 2012), unchanged in *Certain Cased Pencils from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review, and Determination To Revoke Order, in Part*, 77 FR 53176 (August 31, 2012).

¹⁰ See CCR Request at Exhibits 2 and 3.

¹¹ *Id.*; see also *Initiation Notice*.

¹² See *Initiation Notice*.

⁶ See *Initiation Notice*.

⁷ See CCR Request at 3.

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 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 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 certain small, low-wattage, off-grid 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).¹³

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.¹⁴ 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.¹⁵ 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.

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. 2025-07346 Filed 4-25-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 25-00001]

Export Trade Certificate of Review

ACTION: Notice of application for an Export Trade Certificate of Review for Insiglobex LLC, Application No. 25-00001.

SUMMARY: The Secretary of Commerce, through the Office of Trade and Economic Analysis (OTEA) of the International Trade Administration, has received an application for an Export Trade Certificate of Review (Certificate). This notice summarizes the proposed application and seeks public comments on whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT:

Amanda Reynolds, Acting Director, OTEA, International Trade Administration, (202) 482-5131 (this is not a toll-free number) or email at etca@trade.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4011-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. The regulations implementing Title III are found at 15 CFR part 325. OTEA is issuing this

¹³ 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*).

¹⁴ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁵ See 19 CFR 351.303(b).

¹⁶ See *APO and Final Service Rule*.

¹⁷ See 19 CFR 351.216(e).

notice pursuant to 15 CFR 325.6(a), which requires the Secretary of Commerce to publish a summary of the application in the **Federal Register**, identifying the applicant and each member and summarizing the proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be nonconfidential.

Written comments should be sent to ETCA@trade.gov. An original and two (2) copies should also be submitted no later than 20 days after the date of this notice to: Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce, Room 21028, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 25-00001."

Summary of the Application

Applicant: Insiglobex LLC, 224 W 35th Street, Suite 500 #258, New York, NY, 10001.

Contact: Azim S. Aziz-Urube, Owner at Insiglobex LLC.

Application No.: 25-00001.

Date Deemed Submitted: April 14th, 2025.

Insiglobex LLC seeks a Certificate to engage in the export conduct described below:

Applicant/Certificate Holder

- Insiglobex LLC.

Proposed Members ("Members")

- None.

Export Trade

Products: All products.

Services: All services related to the export of Products.

Technology Rights: Technology rights, including, but not limited to, patents, trademarks, copyrights, and trade secrets, that relate to Products and Services.

Export Trade Facilitation Services (as They Relate to the Export of Products):

Export Trade Facilitation Services

include, but are not limited to:

- Professional services in the areas of government relations and assistance with state and federal programs.
- Foreign trade and business protocol consulting.
- Market research and analysis for international trade opportunities.
- Marketing, advertising, and negotiations related to the sale and distribution of exported goods and services.
- Joint ventures and strategic partnerships for international trade.
- Shipping, logistics, and export management services.
- Export licensing, documentation, and compliance services for U.S. and foreign regulations.
- Customs compliance, insurance, and financing solutions for exporters.
- Trade show exhibitions, organizational development, and training for global business expansion.
- Management and labor strategies for international operations.
- Technology transfer and intellectual property commercialization.
- Transportation and facilitating the formation of shippers' associations for cost-effective global trade.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operations

To engage in Export Trade in the Export Markets, Insiglobex LLC may:

- Provide and/or arrange for the provision of Export Trade Facilitation Services for suppliers and clients in the Export Markets.
- Engage in promotional and marketing activities and collect information on trade opportunities in the Export Markets, then distribute such information to clients.
- Enter into exclusive and/or non-exclusive licensing and/or sales agreements with Suppliers for the export of Products, Services, and/or Technology Rights to Export Markets.
- Enter into exclusive and/or non-exclusive agreements with distributors and/or sales representatives in Export Markets to facilitate international trade.
- Allocate export sales or divide Export Markets among Suppliers for the

sale and/or licensing of Products, Services, and/or Technology Rights, subject to applicable trade laws.

- Allocate export orders among Suppliers to improve efficiency and ensure fulfillment of international trade agreements.
 - Establish the price of Products, Services, and/or Technology Rights for sales and/or licensing in Export Markets, including volume-based pricing structures.
 - Negotiate, enter into, and/or manage licensing agreements for the export of Technology Rights, ensuring compliance with intellectual property laws.
 - Enter into contracts for shipping, logistics, and supply chain coordination to streamline export operations.
- Insiglobex LLC and individual Suppliers may regularly exchange information on a one-on-one basis regarding:
- Supplier inventories, near-term production schedules, and order availability.
 - Export demand forecasts to ensure effective coordination with distributors in Export Markets.

Dated: April 23, 2025.

Amanda Reynolds,

Acting Director, Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 2025-07252 Filed 4-25-25; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The U.S. Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders with March anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable April 28, 2025.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders with March anniversary dates.

All deadlines for the submission of various types of information, certifications, comments, or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Respondent Selection

In the event that Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based either on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR) or questionnaires in which we request the quantity and value (Q&V) of sales, shipments, or exports during the POR. Where Commerce selects respondents based on CBP data, we intend to place the CBP data on the record within five days of publication of the initiation notice. Where Commerce selects respondents based on Q&V data, Commerce intends to place the Q&V questionnaire on the record of the review within five days of publication of the initiation notice. In either case, we intend to make our decision regarding respondent selection within 35 days of publication of the initiation notice in the **Federal Register**.

Comments regarding the CBP data (and/or Q&V data (where applicable)) and respondent selection should be submitted within seven days after the placement of the CBP data/submission of the Q&V data on the record of the review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event that Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Tariff Act of 1930, as amended (the Act), the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be “collapsed” (e.g., treated as a single entity for purposes of calculating AD rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce

will not conduct collapsing analyses at the respondent selection phase of the review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of the AD proceeding (e.g., investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to the review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Q&V questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of the proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Notice of No Sales

With respect to AD administrative reviews, we intend to rescind the review where there are no suspended entries for a company or entity under review and/or where there are no suspended entries under the company-specific case number for that company or entity. Where there may be suspended entries, if a producer or exporter named in this notice of initiation had no exports, sales, or entries during the POR, it may notify Commerce of this fact within 30 days of publication of this initiation notice in the **Federal Register** for Commerce to consider how to treat suspended entries under that producer's or exporter's company-specific case number.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may

extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.¹ Section 773(e) of the Act states 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, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a 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) set a deadline for the submission of 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 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 initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single AD deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate

¹ See Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a Separate Rate Application or Certification, as described below. In addition, all firms that wish to qualify for separate rate status in the administrative reviews of AD orders in which a Q&V questionnaire is issued must complete, as appropriate, either a Separate Rate Application or Certification, and respond to the Q&V questionnaire.

For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at <https://access.trade.gov/Resources/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the "Instructions for Filing the Certification" in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 14 calendar days after publication of this **Federal Register** notice. In addition to filing a Separate Rate Certification with Commerce no later than 14 calendar days after publication of this **Federal Register** notice. The deadline and requirement

for submitting a Separate Rate Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding² should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,³ should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at <https://access.trade.gov/Resources/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 14 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

Exporters and producers must file a timely Separate Rate Application or Certification if they want to be considered for individual examination. Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate

status unless they respond to all parts of the questionnaire as mandatory respondents.

Certification Eligibility

Commerce may establish a certification process for companies whose exports to the United States could contain both subject and non-subject merchandise. Companies under review that were deemed to not be eligible to participate in the certification program of that proceeding may submit a Certification Eligibility Application to establish that they maintain the necessary systems to track their sales to the United States of subject and non-subject goods.

All firms listed below that are not currently eligible to certify but wish to establish certification eligibility are required to submit a Certification Eligibility Application. The Certification Eligibility Application will be available on Commerce's website at <https://access.trade.gov/Resources/Certification-Eligibility-Application.pdf>. Certification Eligibility Applications must be filed according to Commerce's regulations and are due to Commerce no later than 30 calendar days after the publication of the **Federal Register** notice.

Exporters and producers that are not currently eligible to certify, who submit a Certification Eligibility Application, and are subsequently selected as mandatory respondents must respond to all parts of the questionnaire as mandatory respondents for Commerce to consider their Certification Eligibility Application.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than March 31, 2026.

	Period to be reviewed
AD Proceedings	
BRAZIL: Certain Uncoated Paper, A-351-842 Suzano S.A. ⁴ Sylvamo do Brasil Ltda/Sylvamo Exports Ltda.	3/1/24-2/28/25
INDIA: Granular Polytetrafluoroethylene Resin, A-533-899 Gujarat Fluorochemicals Limited	3/1/24-2/28/25
INDIA: Certain Frozen Warmwater Shrimp, ⁵ A-533-840 Aquatech Feed & Seafoods Pvt Ltd. Deepak Nexgen Foods Pvt. Ltd. Varma Marine Private Limited ⁶	2/1/24-1/31/25

² Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (e.g., an ongoing administrative review, new

shipper review, etc.) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

³ Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
INDIA: Certain New Pneumatic Off-The-Road Tires, A-533-869	3/1/24-2/28/25
Aakriti Manufacturing Pvt. Ltd.	
Ace Ventura Tyres and Tracks	
Ammann India Private Limited	
Apollo Tyres Ltd.	
Asha Rubber Industries	
Asian Tire Factory Ltd.; Lypallpur Rubber Mills	
Asiatic Tradelinks Private Limited	
ATC Tires Private Limited; ATC Tires AP Private Limited	
Balkrishna Industries Ltd. ⁷	
Braza Tyres Pvt Ltd.	
Carrier Wheels Private Limited	
Cavendish Industries Ltd.	
Ceat Ltd.	
Celite Tyre Corporation	
Emerald Resilient Tyre Manufacturer	
Faucon Industries	
Forech India Private Limited	
HRI Tires India	
Innovative Tyres & Tubes Limited	
JK Tyre & Industries Ltd.	
John Deere India Pvt. Ltd.	
K.R.M. Tyres	
Mahansaria Tyres Private Limited	
MRF Limited	
MRL Tyres Limited aka Malhotra Rubbers Ltd.	
Neosym Industry Limited	
OTR Laminated Tyres (I) Pvt. Ltd.	
Ralson Tyres Limited	
Royal Tyres Private Limited	
Rubberman Enterprises Pvt. Ltd.	
Speedways Rubber Company	
Sun Tyre And Wheel Systems	
Sundaram Industries Private Limited	
Superking Manufacturers (Tyre) Pvt., Ltd.	
TOT Tyres Private Limited	
Trident International Pvt. Ltd.	
TVS Srichakra Limited	
Tyre Experts LLP	
Ultra Mile	
Viaz Tyres Limited	
PORTUGAL: Certain Uncoated Paper, A-471-807	3/1/24-2/28/25
The Navigator Company, S.A.	
REPUBLIC OF KOREA: Acetone, A-580-899	3/1/24-2/28/25
Kumho P&B Chemicals, Inc.	
LG Chem, Ltd.	
THAILAND: Circular Welded Carbon Steel Pipes and Tubes, A-549-502	3/1/24-2/28/25
Apex International Logistics	
Aquatec Maxcon Asia	
Asian Unity Part Co., Ltd.	
Better Steel Pipe Company Limited	
Bis Pipe Fitting Industry Co., Ltd.	
Blue Pipe Steel Center Co., Ltd.	
Chuhatsu (Thailand) Co., Ltd.	
CSE Technologies Co., Ltd.	
Expeditors International (Bangkok)	
Expeditors Ltd.	
FS International (Thailand) Co., Ltd.	
Kerry-Apex (Thailand) Co., Ltd.	
K Line Logistics	
Oil Steel Tube (Thailand) Co., Ltd.	
Otto Ender Steel Structure Co., Ltd.	
Pacific Pipe and Pump	
Pacific Pipe Public Company Limited	
Panalpina World Transport Ltd.	
Polypipe Engineering Co., Ltd.	
Saha Thai Steel Pipe Public Co., Ltd.; Saha Thai Steel Pipe (Public) Company, Ltd.	
Schlumberger Overseas S.A.	
Siam Fittings Co., Ltd.	
Siam Steel Pipe Co., Ltd.	
Sino Connections Logistics (Thailand) Co., Ltd.	
Thai Malleable Iron and Steel	
Thai Oil Group	

CVD Proceedings

INDIA: Granular Polytetrafluoroethylene Resin, C-533-900	1/1/24-12/31/24
Gujarat Fluorochemicals Limited	
INDIA: Certain New Pneumatic Off-The-Road Tires, C-533-870	1/1/24-12/31/24
Aakriti Manufacturing Pvt. Ltd.	
Ace Ventura Tyres and Tracks	
Ammann India Private Limited	
Apollo Tyres Ltd.	
Asha Rubber Industries	
Asian Tire Factory Ltd.	
Asiatic Tradelinks Private Limited	
ATC Tires AP Private Limited (India)	
ATC Tires Private Limited; ATC Tires AP Private Ltd.; Yokohama India Private Limited	
Balkrishna Industries Ltd.	
Braza Tyres Pvt Ltd.	
Carrier Wheels Private Limited	
Cavendish Industries Ltd.	
Ceat Ltd.	
Celite Tyre Corporation	
Emerald Resilient Tyre Manufacturer	
Faucon Industries	
Forech India Private Limited	
HRI Tires India	
Innovative Tyres & Tubes Limited	
JK Tyre & Industries Ltd.	
John Deere India Pvt. Ltd.	
K.R.M. Tyres	
Mahansaria Tyres Private Limited	
MRF Limited	
MRL Tyres Limited (Malhotra Rubbers Ltd.)	
Neosym Industry Limited	
OTR Laminated Tyres (I) Pvt. Ltd.	
Ralson Tyres Limited	
Royal Tyres Private Limited	
Rubberman Enterprises Pvt. Ltd.	
Speedways Rubber Company	
Sun Tyre And Wheel Systems	
Sundaram Industries Private Limited	

	Period to be reviewed
Superking Manufacturers (Tyre) Pvt., Ltd. TOT Tyres Private Limited Trident International Pvt. Ltd. TVS Srichakra Limited Tyre Experts LLP Ultra Mile Viaz Tyres Limited REPUBLIC OF TÜRKİYE: Circular Welded Carbon Steel Pipes and Tubes, C-489-502 Borusan Birlesik Boru Fabrikalair San ve Tic.; Borusan Holding; Borusan Istikbal Ticaret T.A.S.; Borusan Lojistik Dagitim Depolama Tasimacilik ve Ticaret A.S.; Borusan Mannesmann Yatirim Holding Borusan Mannesmann Borusan Gemlik Boru Tesisleri A.S. Borusan Ihracat Ithalat ve Dagitim A.S. Borusan Ithicat ve Dagitim A.S. Borusan Mannesmann Boru Sanayi ve Ticaret A.S. Borusan Mannesmann Pipe U.S., Inc. Cagil Makina Sanayi ve Ticaret A.S. Cayirova Boru Sanayi ve Ticaret A.S.; Yucel Boru ve Profil Endustrisi A.S. Cimtas Boru Imalatlari ve Ticaret Sirketi Cinar Boru Profil San. Ve Tic. A.S. Eksen Makina Erbosan Erciyas Boru Sanayi ve Ticaret A.S. Guner Eksport Guven Steel Pipe; Guven Celik Born San. Ve Tic. Ltd. HDM Celik Boru Sanayi ve Ticaret Ltd Sti. Kale Baglanti Teknolojileri San ve Tic. A.S. Kalibre Boru Sanayi ve Ticaret A.S. MTS Lojistik ve Tasimacilik Hizmetleri TIC A.S. Istanbul Net Boru Sanayi ve Dis Ticaret Koll. Sti. Noksel Celik Boru Sanayi A.S. Perfektup Ambalaj San. ve Tic. A.S. Schenker Arkas Nakliyat ve Ticaret A.S. Toscelik Metal Ticaret A.S. Toscelik Profil ve Sac Endustrisi A.S.; Tosyali Dis Ticaret A.S. Tubeco Pipe and Steel Corporation Umran Celik Born Sanayii A.S.; Umran Steel Pipe Inc. Vespro Muhendislik Mimarlik Danismanlik Sanayi ve Ticaret A.S. Yucelboru Ihracat Ithalat ve Pazarlama A.S. THE PEOPLE'S REPUBLIC OF CHINA: Certain Corrosion Inhibitors, C-570-123 Anhui Trust Chem Co., Ltd.; Nanjing Trust Chem Co., Ltd.; and Jiangsu Trust Chem Co., Ltd.⁸ Connect Chemicals China Co., Ltd. Connect Chemicals GMBH Gold Chemical Limited Kanghua Chemical Co., Ltd. (formerly known as Nantong Kanghua Chemical Co., Ltd.) Nantong Botao Chemical Co., Ltd.; Rugao Connect Chemical Co., Ltd.; Rugao Jinling Chemical Co., Ltd.; and Nantong Yutu Group Co., Ltd.⁹ Relic Chemicals Sagar Speciality Chemicals Pvt., Ltd. Wuxi Connect Chemicals Co., Ltd. Yasho Industries Pvt. Ltd.	1/1/24-12/31/24 1/1/24-12/31/24

⁴ Commerce also received a request for review of “Suzano Papel e Celulose S.A.” However, prior to the period of review, Commerce determined that Suzano S.A. is the successor-in-interest to Suzano Papel e Celulose S.A. See *Certain Uncoated Paper from Brazil: Final Results of Antidumping Duty Administrative Review; 2019–2020*, 86 FR 55820 (October 7, 2021). Therefore, we are initiating this review on Suzano S.A.

⁵ In the initiation notice published on March 28, 2025 (90 FR 14081), we incorrectly omitted two of the companies under review, and listed an incorrect name for a third company. We are correcting these errors in this notice.

⁶ On July 3, 2024, Commerce determined that Varma Marine Private Limited is the successor-in-interest to Varma Marine. Therefore, the results of this review will be applicable to Varma Marine Private Limited. See *Certain Frozen Warmwater Shrimp from India: Final Results of Antidumping*

Duty Changed Circumstances Review, 89 FR 55228 (July 3, 2024).

⁷ Subject merchandise produced and exported by Balkrishna Industries Ltd. (BKT) was excluded from the order. See *Certain New Pneumatic Off-the-Road Tires from India: Notice of Correction to Antidumping Duty Order*, 82 FR 25598 (June 2, 2017). Accordingly, Commerce is initiating this administrative review with respect to BKT only for subject merchandise produced in India where BKT acted as either the manufacturer or exporter (but not both).

⁸Commerce previously determined that Anhui Trust Chem Co., Ltd.; Nanjing Trust Chem Co., Ltd.; and Jiangsu Trust Chem Co., Ltd. are cross-owned. *See Certain Corrosion Inhibitors from the People's Republic of China: Final Results of Countervailing Duty Administrative Review*; 2022, 89 FR 52024 (June 21, 2024).

⁹Commerce previously determined that Nantong Botao Chemical Co., Ltd.; Rugao Connect Chemical

Suspension Agreements

None.

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after

Co., Ltd.; Rugao Jinling Chemical Co., Ltd.; and Nantong Yutu Group Co., Ltd. are cross-owned. *See Certain Corrosion Inhibitors from the People's Republic of China: Final Results of Countervailing Duty Administrative Review*; 2022, 89 FR 52024 (June 21, 2024).

sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant “gap” period of the order (*i.e.*, the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce’s regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.*, the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce’s regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (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). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted 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. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule*,¹⁰ available at <https://www.govinfo.gov/content/pkg/FR-2013-07-17/pdf/2013-17045.pdf>, prior to submitting factual information in this segment. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹¹

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule*.¹² Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Time Limits for Submission of Factual Information in Response to Questionnaires

Section 351.301(c) of Commerce’s regulations states that during a proceeding, Commerce may issue to any person questionnaires, which includes both initial and supplemental questionnaires. For all administrative review segments initiated after January 15, 2025, the following time limits apply:

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

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

(iii) A notification by an interested party, under section 782(c)(1) of the Act, of difficulties in submitting information

in response to a questionnaire issued by Commerce is to be submitted in writing within 14 days after the date of the questionnaire or, if the questionnaire is due in 14 days or less, within the time specified by Commerce.

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

(v) Factual information submitted to rebut, clarify, or correct questionnaire responses. Within 14 days after an initial questionnaire response and within 10 days after a supplemental questionnaire response has been filed with Commerce, an interested party other than the original submitter is permitted one opportunity to submit factual information to rebut, clarify, or correct factual information contained in the questionnaire response. Within seven days of the filing of such rebuttal, clarification, or correction to a questionnaire response, the original submitter of the questionnaire response is permitted one opportunity to submit factual information to rebut, clarify, or correct factual information submitted in the interested party’s rebuttal, clarification or correction. Commerce will reject any untimely filed rebuttal, clarification, or correction submission and provide, to the extent practicable, written notice stating the reasons for rejection. If insufficient time remains before the due date for the final determination or final results of review, Commerce may specify shorter deadlines under this section.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.¹³ In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments

¹⁰ See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also the frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

¹¹ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

¹² See section 782(b) of the Act; see also *Final Rule*; and the frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

¹³ See 19 CFR 351.302.

concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. 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, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, standalone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule*, available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting factual information in these segments.

Notification to Interested Parties

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: April 22, 2025.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2025-07286 Filed 4-25-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-931]

Certain High Chrome Cast Iron Grinding Media From India: Final Affirmative Countervailing Duty Determination

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 certain high chrome cast iron grinding media (grinding media) from India. The period of investigation (POI) is April 1, 2023, through March 31, 2024.

DATES: Applicable April 28, 2025.

FOR FURTHER INFORMATION CONTACT: David Crespo, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401

Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3693.

SUPPLEMENTARY INFORMATION:

Background

On October 4, 2024, Commerce published in the **Federal Register** its *Preliminary Determination* in the in the countervailing duty (CVD) investigation of grinding media from India and invited interested parties to comment.¹ In the *Preliminary Determination*, and in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4), Commerce aligned the final countervailing duty (CVD) determination with the final determination in the less-than-fair-value investigation of grinding media from India.²

For a complete description of the events that followed 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 products covered by this investigation are grinding media from India. For a complete description of the scope of the 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*.⁴ Therefore, we made no changes to the scope of the investigation from that published in the *Preliminary Determination* for the final determination.

¹ See *Certain High Chrome Cast Iron Grinding Media from India: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination*, 89 FR 80865 (October 4, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² See *Preliminary Determination*, 89 FR at 22386.

³ See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination of the Countervailing Duty Investigation of Certain High Chrome Cast Iron Grinding Media from India," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See *Preliminary Determination*.

Verification

As provided in section 782(i) of the Act, in February 2025, Commerce conducted verification of the subsidy information reported by AIA Engineering Ltd. (AIA) and Vega Industries (Middle East) F.Z.C. (collectively, AIA/Vega), and the Government of India (GOI).⁵

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in the case and rebuttal briefs by 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.

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 For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum. In making this final determination, Commerce relied, in part, on facts otherwise available, including with an adverse inference, pursuant to sections 776(a) and (b) of the Act. For a full discussion of our application of adverse facts available (AFA), see the Issues and Decision Memorandum at Comments 2 and 5.

Changes Since the Preliminary Determination

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

⁵ See Memorandum, "Verification of the Questionnaire Responses of the Government of India," dated February 28, 2025 (GOI's Verification Report); see also Memorandum, "Verification of the Questionnaire Responses of AIA Engineering Ltd.," dated February 28, 2025 (AIA's Verification Report).

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

All-Others Rate

Section 705(c)(5)(A) of the Act provides that in a final determination, Commerce shall determine an estimated all-others rate for companies not individually examined equal to the weighted average of the estimated countervailable subsidy rates established for exporters and producers individually examined, excluding any zero or de minimis countervailable subsidy rates and any rates based entirely under section 776 of the Act (facts available). If the individual estimated countervailable subsidy rates established for all exporters and producers individually examined are

zero, de minimis, or determined entirely under section 776 of the Act, section 705(c)(5)(A)(ii) of the Act provides that Commerce may use any reasonable method to establish an estimated all-others countervailable subsidy rate for exporters and producers not individually investigated, including averaging the weighted average countervailable subsidy rates determined for the exporters and producers individually investigated.

In this investigation, we continue to calculate an individual total net countervailable subsidy rate for AIA/Vega and its affiliate Welcast Steels Ltd. (Welcast), the sole producer/exporter individually examined in this

investigation, that is not zero, *de minimis*, or based entirely on facts otherwise available and there are no other countervailable subsidy rates on the record. Given these facts, Commerce has determined that a reasonable method for establishing the estimated all-others countervailable subsidy rate is to assign AIA/Vega's estimated countervailable subsidy rate to all other producers and exporters.

Final Determination

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

Company	Subsidy rate (percent <i>ad valorem</i>)
AIA Engineering Limited; Vega Industries (Middle East) F.Z.C; Welcast Steels Ltd. ⁷	3.16
All Others	3.16

Disclosure

Commerce intends to disclose its calculations performed to interested parties in this final determination within five days of its public announcement or, if there is no public announcement, within five days of the date of the 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 subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after October 4, 2024, the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from warehouse, on or after February 1, 2025, but to continue the suspension of liquidation of all entries of subject merchandise on or before January 31, 2025.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a countervailing duty order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for such entries of subject merchandise 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 canceled.

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 grinding media 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, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of import of grinding media from India. In addition, we are making available to the ITC all non-privileged and non-proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under 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 will be refunded. If the ITC determines that such injury does exist, Commerce will issue a countervailing duty order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

Administrative Protective Order

This notice will serve as the only reminder to parties subject to the 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).

⁷ As discussed in the *Preliminary Determination*, we found that AIA is cross owned with Vega Industries and Welcast. See *Preliminary Determination* PDM at 4–6. For this final determination, Commerce continues to find that these companies are cross owned.

Dated: April 21, 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 scope of this investigation covers chrome cast iron grinding media in spherical (ball) or ovoid shape, with an alloy composition of seven percent or more (≥ 7 percent of total mass) chromium (Cr) content and produced through the casting method, with a nominal diameter of up to 127 millimeters (mm) and tolerance of plus or minus 10 mm. The products covered by the scope are currently classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 7325.91.0000. This HTSUS subheading is provided for convenience and U.S. Customs purposes only. The written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Use of Facts Otherwise Available and Application of Adverse Inferences
- IV. Subsidies Valuation
- V. Changes Since the *Preliminary Determination*
- VI. Analysis of Programs
- VII. Discussion of the Issues
 - Comment 1: Whether Remission of Duties and Taxes on Export Products (RoDETP) is Countervailable
 - Comment 2: Whether the Discounted Energy Rate Scheme (DERS) is Specific
 - Comment 3: Whether Commerce Erred in its Calculation of the Status Holders Incentive Scrip (SHIS) Program
 - Comment 4: Whether Commerce Erred in Calculating the State Government of Gujarat (SGOG) Electricity Duty Exemption
 - Comment 5: Whether Commerce Should Apply Adverse Facts Available (AFA) to AIA's Export Promotion of Capital Goods (EPCG) Scheme
- VIII. Recommendation

[FR Doc. 2025-07287 Filed 4-25-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-930]

Certain High Chrome Cast Iron Grinding Media From India: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain high chrome cast iron grinding media (grinding media) from India is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2023, through March 31, 2024.

DATES: Applicable April 28, 2025.

FOR FURTHER INFORMATION CONTACT: Charles DeFilippo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3797.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 2024, Commerce published the *Preliminary Determination* in the **Federal Register**.¹ A summary of the events that occurred since the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final 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 grinding media 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*.³ Therefore,

¹ See *Certain High Chrome Cast Iron Grinding Media from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measure*, 89 FR 96939 (December 6, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain High Chrome Cast Iron Grinding Media from India," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

³ See *Preliminary Determination*.

we made no changes to the scope of the investigation from that published in the *Preliminary Determination* for the final determination.

Verification

Commerce conducted verification of the information relied upon in making its final determination in this investigation, in accordance with section 782(i) of the Act. Specifically, Commerce conducted on-site verifications of the sales and cost information submitted by AIA Engineering Limited (AIAEL) and its affiliates (collectively, AIA).⁴ We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by AIA.

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 Memorandum is attached to this notice as Appendix II.

Changes Since the Preliminary Determination

Based on a review of the record and comments received from interested parties regarding the *Preliminary Determination*, we made certain changes to AIA's preliminary weighted-average dumping margin calculations. For a discussion of these changes, see the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act.

In this investigation, Commerce calculated an estimated weighted-average dumping margin for AIA that is not zero, *de minimis*, or based entirely

⁴ See Memorandum, "Verification of the Sales Response of AIA Engineering Limited and Vega Industries in the Antidumping Investigation of Certain High Chrome Cast Iron Grinding Media from India," dated March 20, 2025; see also Memorandum, "Verification of the Cost Responses of AIA Engineering Limited and Welcast Steel Limited in the Less Than Fair Value Investigation of Certain High Chrome Cast Iron Grinding Media from India" dated March 31, 2025.

on facts otherwise available. Consequently, for this final determination, the estimated weighted-average dumping margin calculated for AIA is the estimated weighted-average dumping margin for all other producers and exporters.

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Weighted-average dumping margin (percent)
AIA Engineering Limited ⁵	9.58
All Others	9.58

Disclosure

Commerce intends to disclose the calculations and analysis performed in connection with this final determination to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the publication date of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of entries of subject merchandise, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption, on or after December 6, 2024, the date of publication of the *Preliminary Determination* in the **Federal Register**. These suspension of liquidation instructions will remain in effect until further notice.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), upon the publication of this notice, we will instruct CBP to require a cash deposit for estimated antidumping duties for such entries as follows: (1) the cash deposit rates for the companies listed in the table above are the company-specific

⁵ We received no comments from interested parties on the affiliation and collapsing analysis determination as it appeared in the *Preliminary Determination*.⁵ Therefore, we made no changes from the *Preliminary Determination* and determine that AIAEL and Welcast Steel Limited (Welcast) are a single entity. In addition, we determine that AIAEL is affiliated with Vega Industries (Middle East) F.Z.C (Vega ME) and Vega Industries Ltd., USA (Vega USA). See Memorandum, “Preliminary Affiliation and Collapsing Memorandum for AIA Engineering Limited, Welcast Steel Limited, Vega Industries (Middle East) F.Z.C, and Vega Industries Ltd., USA,” dated concurrently with this memorandum (Collapsing Memorandum).

estimated weighted-average dumping margins determined in this final determination; (2) if the exporter is not a respondent listed in the table above, but the producer is, then the cash deposit rate is the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters is the all-others estimated weighted-average dumping margin listed in the table above. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, Commerce will notify the ITC of the final affirmative determination of sales at LTFV. Because Commerce’s final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of AIA no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

Administrative Protective Order (APO)

This notice will serve as a final reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with accordance with 19 CFR 351.305(a)(3). 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 sanctionable violation.

Notification to Interested Parties

This determination is issued and published in accordance with section s 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: April 21, 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 scope of this investigation covers chrome cast iron grinding media in spherical (ball) or ovoid shape, with an alloy composition of seven percent or more (≥7 percent of total mass) chromium (Cr) content and produced through the casting method, with a nominal diameter of up to 127 millimeters (mm) and tolerance of plus or minus 10 mm. The products covered by the scope are currently classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 7325.91.0000. This HTSUS subheading is provided for convenience and U.S. Customs purposes only. The written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes from the *Preliminary Determination*
- IV. Discussion of the Issues
 - Comment 1: Whether to include the “Freight Recovered” and “Other Charges Recovered” in the Calculation of U.S. Net Price
 - Comment 2: Whether to Adjust AIA’s U.S. Indirect Selling Expense Ratio
 - Comment 3: Whether to Exclude Certain U.S. Sales Delivered through an Intermediary Third Country in the U.S. Sales Database
 - Comment 4: Whether to Include Reported Third Country Sales in the Home Market Database
- V. Recommendation

[FR Doc. 2025–07288 Filed 4–25–25; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Emergency Beacon Registrations

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995

(PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before June 27, 2025.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648–0295 in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to LT Jessica Spruill, SARSAT Operations Support Officer, NOAA/NESDIS/SARSAT, NSOF, E/SPO53 4231 Suitland Rd., Suitland, MD 20746, (301) 817–4552, OPS.SARSAT@NOAA.GOV.

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request from NOAA's National Environmental Satellite, Data, and Information Service for extension and revision of an approved information collection: Emergency Beacon Registrations (OMB Control Number 0648–0295).

The United States, Canada, France, and Russia operate the Search and Rescue Satellite-Aided Tracking (COSPAS/SARSAT), a satellite system with equipment that can detect and locate ships, aircraft and individuals in distress if an emergency radio beacon is being carried. This system is used to detect digitally encoded signals in the 406.000–406.100 MHz range, coming from these emergency beacons. The 406.000–406.100 MHz beacons transmit a unique identifier, making possible the ability to combine previously collected data associated with that beacon and transmit this vital data along with the beacon's position to the appropriate rescue coordination center.

Persons buying 406.000–406.100 MHz emergency radio beacons are required to register them with NOAA prior to installation. These requirements are

contained in Federal Communications Commission (FCC) regulations at 47 CFR 80.1061, 47 CFR 87.199 and 47 CFR 95.1402.

The registration data is used to facilitate a rescue and to suppress the costly consequences of false alarms, which if unsuppressed would initiate the launch of a rescue mission and thereby deplete limited resources and possibly result in the loss of lives. This is accomplished through the use of the data provided to the rescue forces from the beacon registration database maintained by the NOAA's United States Mission Control Center (USMCC) for Search and Rescue, to contact the distressed person(s) or alternate party via a phone call or radio broadcast. Other data provides rescuers with descriptive material of the element in distress. The registration information must be kept up-to-date.

Four registration forms are used. The EPIRB (Emergency Position Indicating Radio Beacon) form is used for nautical beacons. The ELT (Emergency Locator Transmitter) form is used for aircraft beacons. The PLB (Personal Locator Beacon) form is used to register portable beacons carried by individuals. Ship Security Alerting System (SSAS) beacons are carried aboard ships, are similar to EPIRBs and are used in the event of an emergency situation such as piracy or terrorism.

These forms are being updated to allow for additional information to be collected and shared with search and rescue (SAR) forces regarding PLBs used on vessels and aircraft to aid in a successful SAR response. If the user checks that their "VEHICLE TYPE" is "Boat", they are asked to complete the following additional fields: Vessel Name, Federal/State Registration No., Home Port Marina/Dock, City and State (ST). If the user checks that their "VEHICLE TYPE" is "Aircraft", they are asked to complete the following additional fields: Airport Code, City and State (ST). The city and state of the marina or airport is needed to help SAR forces to quickly look-up the airport/marina where the aircraft/boat is stored permanently. This helps SAR forces to identify false alerts (*i.e.*, if the beacon goes off where the aircraft/boat is stored, it is likely to be a false alert). Likewise, if a distress situation is suspected, SAR forces can call the airport/marina to get more information on the owner and the owner's whereabouts. Upon approval of the additional fields to the PLB form, the PLB section of our additional page "Instructions for Completing NOAA's Emergency Beacon Registration Form" on all four forms (EPIRB, ELT, PLB and

SSAS) will be updated to reflect those additional fields.

In addition, several changes that do not require additional data collection are proposed for all four forms for the purpose of streamlining wording, updating the date of the forms, and updating the instructions on completing the forms. The requested changes are as follows: removing the extra lines underneath "Name of Primary 24-Hour Emergency Contact" and "Name of Alternate 24-Hour Emergency Contact" to allow more room for handwriting in those sections; revising the last line on the form to add the beacon registration email address (beacon.registration@noaa.gov); and changing clarifying language in the "Additional Data" section to be more clear and direct.

II. Method of Collection

Respondents may either: (1) obtain the forms electronically via the internet at <https://beaconregistration.noaa.gov>, download, complete, sign and mail or fax or (2) register directly on the website, in which case the signature requirement is waived.

III. Data

OMB Control Number: 0648–0295.

Form Number(s): None.

Type of Review: Regular submission; Revision and extension of an approved information collection.

Affected Public: Individuals or households; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal government.

Estimated Number of Respondents: 207,917.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 51,980.

Estimated Total Annual Cost to Public: \$0.

Respondent's Obligation: Mandatory.

Legal Authority: Federal Communications Commission (FCC) regulations at 47 CFR 80.1061, 47 CFR 87.199 and 47 CFR 95.1402.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to

be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2025–07237 Filed 4–25–25; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE828]

Endangered and Threatened Species; Initiation of 5-Year Reviews for Six Foreign Elasmobranch Species

Correction

In notice document 2025–06590, appearing on pages 16109–16110, in the issue of Thursday, April 17, 2025, make the following correction:

On page 16109, in the third column, in the **DATES** section, in the fourth line, “September 15, 2025.” should read “June 16, 2025.”

[FR Doc. C1–2025–06590 Filed 4–25–25; 8:45 am]

BILLING CODE 0099–10–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Highly Migratory Species Dealer Reporting Family of Forms

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements, and minimize the public’s reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before June 27, 2025.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648–0040 in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Cliff Hutt, Atlantic Highly Migratory Species Management Division, National Marine Fisheries Service, 1315 East West Hwy., Bldg. SSMC3, Silver Spring, MD 20910–3282, (301) 427–8503 or cliff.hutt@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for the renewal of a currently approved information collection.

The National Marine Fisheries Service (NMFS) is responsible for management of the Nation’s marine fisheries under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and also promulgates regulations, as necessary and appropriate, to carry out obligations the United States undertakes internationally regarding tuna management through the Atlantic Tunas Convention Act (ATCA, 16 U.S.C. 971 *et seq.*) and the Tunas Convention Act (16 U.S.C. 951 *et seq.*, consecutively), which applies in the Pacific.

This collection serves as a family of forms for Atlantic highly migratory species (HMS) dealer reporting, including purchases of HMS from

domestic fishermen, and the import, export, and/or re-export of HMS, including federally managed tunas, sharks, and swordfish.

Transactions covered under this collection include purchases of Atlantic HMS from domestic fishermen; and the import/export of all bluefin tuna, frozen bigeye tuna, southern bluefin tuna or swordfish under the HMS International Trade Program, regardless of geographic area of origin. This information is used to monitor the harvest of domestic fisheries, and/or track international trade of internationally managed species. No changes in the reporting program are being implemented at this time, and no significant changes in the number of responses or burden estimates are anticipated aside from adjustments to the number of active dealers, exporters, and importers that are required to report.

The domestic dealer reporting covered by this collection includes weekly electronic landing reports and negative reports (*i.e.*, reports of no activity) of Atlantic swordfish, sharks, bigeye tuna, albacore, yellowfin, and skipjack tunas (collectively referred to as BAYS tunas), and electronic biweekly and daily landing reports for bluefin tuna, including affixing a dealer tag to individual fish.

International trade tracking programs are required by both the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Inter-American Tropical Tuna Commission (IATTC) to account for all international trade of covered species. The United States is a member of ICCAT and IATTC and required by ATCA and the Tunas Convention Act to promulgate regulations as necessary and appropriate to implement ICCAT and IATTC recommendations. These international trade tracking programs require that a statistical document or catch document accompany each export from and import to a member nation, and that a re-export certificate accompany each re-export. The international trade reporting requirements covered by this collection include implementation of catch document, statistical document, and re-export certificate trade tracking programs for bluefin tuna, frozen bigeye tuna, and swordfish regardless of geographic area of origin. An electronic catch document program for Atlantic bluefin tuna (EBCD) was recommended by ICCAT and implemented by the United States in 2016 (0648–BF17). U.S. regulations implementing ICCAT statistical document and catch document programs require statistical documents and catch documents for international transactions of the covered

species from all ocean areas, so imports and exports of these species from the Pacific Ocean must also be accompanied by statistical documents and catch documents. Since there are statistical document programs in place under other regional fishery management organizations (e.g., the Indian Ocean Tuna Commission), a statistical document or catch document from another program may be used to satisfy the statistical document requirement for imports into the United States.

Dealers who internationally trade Southern bluefin tuna are required to participate in a trade tracking program to ensure that imported Atlantic and Pacific bluefin tuna will not be intentionally mislabeled as “Southern bluefin” to circumvent reporting requirements. This action is authorized under ATCA, which provides for the promulgation of regulations as may be necessary and appropriate to carry out ICCAT recommendations.

In addition to statistical document, catch document, and re-export certificate requirements, this collection includes biweekly reports to complement trade tracking statistical documents by summarizing statistical document data and collecting additional economic information.

II. Method of Collection

Methods of collection include electronic, mail, and tagging of sold bluefin tuna (*i.e.* reporting information for tagged fish) for tracking purposes during shipping.

III. Data

OMB Control Number: 0648–0040.

Form Number(s): None.

Type of Review: Regular submission [request for renewal of a currently approved information collection].

Affected Public: Business or other for-profit organization.

Estimated Number of Respondents: 2,952.

Estimated Time per Response: 5 minutes each for catch document, statistical document, and re-export certificate; 15 minutes for catch document/statistical document/re-export certificate validation by government official; 120 minutes for authorization of non-governmental catch document/statistical document/re-export certificate validation; 2 minutes for daily Atlantic bluefin tuna landing reports; 3 minutes for daily Atlantic bluefin tuna landing reports from pelagic longline and purse seine vessels; 1 minute for Atlantic bluefin tuna tagging; 15 minutes for biweekly electronic Atlantic bluefin tuna dealer landing reports; 15 minutes for HMS

international trade biweekly electronic reports; 15 minutes for weekly electronic HMS dealer landing reports (*e-dealer*); 30 minutes for weekly electronic HMS dealer landing reports using the file upload method (*e-dealer*); 5 minutes for negative weekly electronic HMS dealer landing reports (*e-dealer*); 15 minutes for voluntary fishing vessel and catch forms; 2 minutes for provision of HMS dealer email address.

Estimated Total Annual Burden Hours: 20,260 hours.

Estimated Total Annual Cost to Public: \$2,274.

Respondent's Obligation: Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the Atlantic Tunas Convention Act (ATCA, 16 U.S.C. 971 *et seq.*), and the Tunas Convention Act (16 U.S.C. 951 *et seq.*).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2025–07236 Filed 4–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Traffic Coordination System for Space (TraCSS) Registration and Operation

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before June 27, 2025.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648–xxxx in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Mariel Borowitz, Head of International SSA Engagement, Office of Space Commerce, National Oceanic and Atmospheric Administration, Herbert C. Hoover Building (HCHB), 1401 Constitution Ave. NW, Washington, DC 20230, 617–642–3306, mariel.borowitz@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for a new collection of information. The Office of Space Commerce (OSC) is developing the Traffic Coordination System for Space (TraCSS) to provide space situational awareness (SSA) data, information, and

services that support global spaceflight safety, space sustainability, and international coordination. In order to provide these services, TraCSS will enable spacecraft operators and national governments to register for the system. This will require the provision of information by these users as part of the registration process. Spacecraft operators are also asked to provide relevant operational information on an ongoing basis to facilitate provision of safety services.

The purpose of this collection is to enable TraCSS users (spacecraft operators and national governments) to register and receive spaceflight safety services from the system. The registration information will include organizational contact information, a list of spacecraft associated with that user, and additional attributes associated with that spacecraft. Spacecraft operators will also provide an operational point of contact. In addition to information provided as part of the registration process, spacecraft operators will provide additional information, such as ephemerides with covariance and maneuver plans on an ongoing basis. The provision of this information enables TraCSS to provide spaceflight safety services to users.

II. Method of Collection

Information will be collected via an online registration system (for registration) as well as through an online operational system (for ongoing data).

III. Data

OMB Control Number: 0648-XXXX.
Form Number(s): None.

Type of Review: Regular submission [new information collection].

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; Federal government.

Estimated Number of Respondents: 850.

Estimated Time per Response: Initial registration: 30 minutes; Regular data provision (spacecraft operators): 2 minutes.

Estimated Total Annual Burden Hours: 425 hours.

Estimated Total Annual Cost to Public: \$0.

Respondent's Obligation: Voluntary.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the

accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2025-07238 Filed 4-25-25; 8:45 am]

BILLING CODE 3510-12-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2024-OS-0127]

Submission for OMB Review; Comment Request

AGENCY: Washington Headquarters Services (WHS), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by May 28, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open

for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Pentagon Athletic Center Membership Application; WHS Form 19; OMB Control Number 0704-PACM.

Type of Request: New.
Number of Respondents: 3,436.
Responses per Respondent: 1.
Annual Responses: 3,436.
Average Burden per Response: 10 minutes.

Annual Burden Hours: 573.

Needs and Uses: The WHS Form 19 is necessary to obtain information from respondents who seek to become a member of the Pentagon Athletic Center (PAC). Information that is collected includes home address, email, and full name, to build a profile for each member in the membership database. Respondents of the WHS-19 are government civilians, contractors, active duty, and retired personnel in the National Capital Region.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: April 22, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025-07202 Filed 4-25-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

TRICARE: TRICARE Competitive Plans Demonstration (CPD)

AGENCY: Office of the Secretary, Department of Defense (DoD).

ACTION: Notice of demonstration.

SUMMARY: The Assistant Secretary of Defense for Health Affairs (ASD(HA)) issues this notice announcing the creation of a demonstration to offer additional opportunities for contractors of local, regional, and national plans to compete with managed care support contractors (MCSCs) under the TRICARE program and to evaluate impacts of competition in these designated markets on costs, outcomes and satisfaction. The Defense Health Agency (DHA) has awarded contracts to CareSource Military & Veterans (CSMV)

in both the Atlanta, Georgia market and the Tampa, Florida market and intends to evaluate the impact of having two MCSCs (the Competitive Plans Demonstration (CPD) contractors and Humana Government Business (HGB), the current East region MCSC) providing services in these markets. Eligible beneficiaries will be provided with the opportunity to enroll in TRICARE Prime with CSMV in these markets. This demonstration will also help the DHA assess the efficacy of paying a TRICARE MCSC using a risk-adjusted, population-based capitation methodology for non-pharmacy health care and variable ongoing administrative costs and the efficacy of separately contracting for certain health care administrative tasks (e.g., eligibility, enrollment, and encounter data management functions) rather than including such requirements in the MCS contract.

DATES: This demonstration project will commence January 1, 2026. This demonstration authority will remain in effect until December 31, 2028, unless terminated earlier or extended by the Director, DHA via a subsequent **Federal Register** notice. CSMV may begin marketing and beneficiary education activities on or after the date this notice is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: LTJG Brandon Andriot, Defense Health Agency, (703) 275-6166, brandon.m.andriot.mil@health.mil.

SUPPLEMENTARY INFORMATION: This notice is to advise all parties of a demonstration project under the authority of Title 10, United States Code (U.S.C.), Section 1092, entitled the "Competitive Plans Demonstration." DHA has competitively awarded two contracts to CSMV which will compete against the East region MCSC (HGB) in delivering health, medical, and administrative support services to eligible TRICARE beneficiaries in the Atlanta, GA and Tampa, FL markets. CSMV, in conjunction with the DHA's eligibility, enrollment, and encounter (EEE) pilot program contractor (MicroHealth), and Express Scripts (current TRICARE pharmacy benefits manager) will administer the CPD under the purview of the DHA. The CPD project will monitor whether paying a MCSC using a risk adjusted, population-based capitated methodology results in better beneficiary access to care, better beneficiary health outcomes, and increased beneficiary satisfaction without increasing the Department's health care costs. The DHA will monitor several areas of the CPD including, but not limited to, the following:

- The effects of competition among MCSCs operating in the same geographic areas (overlapping networks).
- Beneficiary access to care and whether it is impacted by paying a MCSC on a risk adjusted, population-based Per Member Per Month (PMPM) basis.
- Quality of care (and health outcomes) and whether they are impacted by paying a MCSC on a risk adjusted population-based PMPM basis.
- Overall cost impact of paying a MCSC using a risk adjusted population-based PMPM payment model (accounting for the costs incurred under the separate EEE contract) as compared to paying the contractor under the traditional TRICARE MCS model.
- Impact of dividing responsibility (and separately contracting) for EEE data management administrative functions and patient care functions.
- Beneficiary experience and whether it is impacted (positively or negatively) by delivering care under a capitated payment model. DHA will measure beneficiary experience through existing tools (e.g., the Joint Outpatient Experience Survey) and re-enrollment rates.

A. Background

Section 705(c) of the National Defense Authorization Act for Fiscal Year 2017 (NDAA-2017), Public Law 114-238, December 23, 2016, directed the Secretary of Defense to "ensure that local, regional, and national health plans have an opportunity to participate in the competition for managed care support contracts under the TRICARE Program. NDAA-2017, Section 705(c) also directed the Secretary to implement a strategy to ensure that future MCS contracts under the TRICARE program incorporate various elements related to improving health care delivery. In an effort to mitigate rising health care costs and develop higher-quality patient care, the DHA intends to conduct the CPD to determine if it can achieve improved beneficiary satisfaction, better access to care, better care outcomes, and cost containment, by employing ongoing competition between MCSCs performing in the same markets and by using a capitated payment model. To achieve this goal, the DHA will conduct a three-year demonstration program that will address the NDAA-2017, Section 705(c) requirements.

The DHA introduced the CPD concept in the request for proposals (RFP) for the TRICARE Fifth generation (T-5) MCS contracts in April 2021. The T-5 RFP advised vendors competing for the T-5 requirement that the DHA intended to

carry out the CPD during the period of performance of the resulting T-5 contracts—and that it would do so at one or more of the 23 sites listed in the RFP. In 2023, the Director, DHA determined that, based on various factors, the most suitable initial sites for the CPD were Atlanta, GA and Tampa, FL. The threshold analysis of these initial selected markets projected potential enrollments of 3,000–5,000 members in each market. In July 2023, the DHA solicited proposals for vendors to provide TRICARE MCS services (but minus the eligibility, enrollment, and encounter functions) in Atlanta, GA and Tampa, FL. After receiving and evaluating proposals, the DHA awarded contracts for both markets to CSMV in November 2024.

CSMV will provide, among other things, accredited networks of individual and institutional providers; customer service and beneficiary education services; medical management, case management, referral management, utilization management, population health, and clinical quality management services; telehealth; and nurse advice line services.

B. Description of the Demonstration Project

TRICARE's three-year demonstration project will be voluntary for most TRICARE-eligible active duty family members (ADFM), retirees, and retiree family members who reside within specified ZIP Codes in the metro Atlanta, GA and metro Tampa, FL areas, regardless of whether they currently are enrolled in TRICARE Prime or TRICARE Select. Active duty service members; beneficiaries participating in the TRICARE Reserve Select, TRICARE Retired Reserve, and TRICARE Young Adult programs; and beneficiaries with Medicare coverage are not eligible to participate in the demonstration. In addition, beneficiaries receiving services under the TRICARE Extended Care Health Option program, Autism Care Demonstration, and Continued Health Care Benefit Program are not eligible to participate in the demonstration. Qualifying beneficiaries who reside within the specified ZIP Codes in the Atlanta, GA and Tampa, FL areas will be invited to participate in any of the three years during the demonstration period by enrolling in TRICARE Prime with CSMV. From the demonstration-enrolled beneficiary's perspective, this will be a TRICARE Prime option, with CSMV serving as the MCSC and assigning beneficiaries primary care managers, supported by MicroHealth providing EEE and associated customer service operational

support. Beneficiaries who are participating in the CPD will fill their outpatient pharmacy prescriptions through the TRICARE Pharmacy Program managed by the TRICARE Pharmacy (TPharm) contractor (ESI) or at Military Medical Treatment Facility (MTF) pharmacies.

CSMV will provide enrollees access to all of its network primary care and specialty care providers (both inpatient and outpatient) in the Atlanta, GA and Tampa, FL markets as well as virtual and video visits and consults. CSMV will be authorized to provide enrollees with value added items and services and may offer a beneficiary access to a program with rewards and incentives. CSMV will provide education to all interested beneficiaries, at the time of enrollment, regarding any differences between their plans and the traditional TRICARE Prime plan provided by the regional MCSC (HGB). Under this demonstration, TRICARE beneficiaries will be subject to current Open Season enrollment requirements and the rules governing enrollments based on Qualifying Life Events.

In providing the TRICARE Prime benefit, CSMV will apply standard TRICARE Prime enrollment fees, copays, cost shares, deductibles, and catastrophic caps—except that the applicable annual TRICARE enrollment fee will be waived for TRICARE beneficiaries who elect to participate in the demonstration, for the first year in which they enroll. Standard preauthorization requirements will apply; however, the TRICARE Prime referral requirements will not apply. The TRICARE point-of-service (POS) option, with its associated cost-sharing requirements, will be available to CPD-enrolled beneficiaries. CSMV will educate beneficiaries on how they may access health care when traveling outside of the CPD market areas. Demonstration enrollees will be locked out of all MTFs for all routine and urgent care. Care at MTFs will be limited to emergency services and pharmacy services only. If a CPD enrollee accesses an MTF for emergency services, then CSMV will be responsible for reimbursing the MTF. An enrollee's violation of the direct care system/MTF lockouts could result in disenrollment of such enrollee.

C. Communication

The DHA will proactively educate beneficiaries and other stakeholders about the Demonstration through its Strategic Communications Office and through marketing materials prepared by the CPD contractors and the EEE Pilot contractor. Marketing materials

will explain the Demonstration benefit to eligible beneficiaries. This will allow TRICARE sponsors and beneficiaries to make the best choice for their families in a timely fashion in the selected markets. Marketing efforts may begin after publication of this notice. CSMV will market its plan for each market and inform beneficiaries of any benefit or process differences from the traditional TRICARE Prime program.

D. Evaluation

This demonstration project will assist the DHA in evaluating whether delivery of the TRICARE Prime health care option under the framework of the CPDs (as described above) will result in improvements in health care quality for TRICARE Prime beneficiaries and/or a reduction in health care spending for the DoD. This program is intended to determine if the presence of local, regional or national level CPD-like health plans will generate beneficial competition between the CPD-like plans and the regional MCSCs for the enrollment of TRICARE beneficiaries. In addition to expanding DHA's body of knowledge with regard to beneficiary choice and competition in the TRICARE space, this demonstration will observe the effects on patient satisfaction, clinical outcome measures, overall cost (using risk-adjusted capitation payment models and risk sharing), and data interactions among the responsible contractors.

Regular evaluations of health care encounters, patient satisfaction, and cost of care (for the CPD beneficiaries and a comparison group) will provide data relating to the impact of health care spending in order to ascertain whether care provided by the CPD providers results in positive changes in cost trends and/or if there has been an improvement in health care outcomes such as decreased mortality rates and shorter lengths of stay. At the conclusion of each demonstration year, DHA will analyze costs and performance and compare it to costs and performance under previous years of the demonstration (as applicable) as well as to care received across the TRICARE program to determine whether CPD care options were effective in reducing health care spending and/or improving quality of health care. The Department reserves the right to terminate the demonstration early if the participation, cost, or quality do not support the continuation of the demonstration.

E. Reimbursement

The DHA will pay CSMV a full-risk capitation rate (PMPM) for non-pharmacy health care and the variable

portion of ongoing administrative costs. The DHA will also pay CSMV's fixed administrative costs. The DHA will establish the PMPM rates based on the projected average government health care cost for TRICARE Prime beneficiaries enrolled to the East region MCSC (*i.e.*, "network Prime" enrollees) in the same market. These costs will be derived from TRICARE Encounter Data records and historical MTF-delivered care records, with the MTF-delivered care valued at approximately private-sector-care rates.

DHA will develop separate rates for two broad beneficiary categories: ADFM and others (referred to as "non-ADFM's"). Certain other differences among beneficiaries (*e.g.*, age, gender, health risk) will be accounted for using a risk adjustment methodology, described hereafter. Beneficiaries with other health insurance (other than Medicare) will be allowed to participate in the CPD if they otherwise meet the CPD enrollment criteria.

As noted above, beneficiaries enrolled in the CPD who visit a provider outside of the demonstration may be subject to POS charges consistent with TRICARE claims processing rules. If a beneficiary repeatedly seeks care outside of the demonstration and/or does not follow CSMV processes, the DHA may remove the beneficiary from the demonstration (or decline to re-enroll them) and require the beneficiary to make a new plan election (*e.g.*, TRICARE Prime or Select) in accordance with TRICARE procedures.

This demonstration is intended to be patient-centered, and changes in health plan enrollment are disruptive to beneficiaries. Therefore, the DHA will remove a beneficiary from the demonstration only in the most extraordinary of cases, with the Director, DHA (or designee) being the decision authority in such cases. When CSMV believes there is cause to remove a beneficiary from the demonstration, it will provide DHA with a written justification addressing the beneficiary's unwillingness to follow program rules that includes the following information: a description of the specific efforts made by the contractor to engage the beneficiary in care and care decisions; a description of beneficiary and/or caregiver education efforts; data showing that the beneficiary's failure to follow such rules has resulted in significant impact to the beneficiary's health, quality of care, or total cost of care to the Government or beneficiary. The Director, DHA, shall be the final authority on beneficiary disenrollment, and decisions shall be made on the basis of the best interest of the specific

beneficiary (health, quality of care, and cost to the Government/beneficiary), and not on a basis that disenrollment will be beneficial to CSMV.

F. Implementation

Care for CPD enrolled beneficiaries will begin effective January 1, 2026 and will continue for a period of three years unless terminated early by the Director, DHA. CSMV and MicroHealth may begin patient education efforts regarding this demonstration after publication of this notice.

Dated: April 23, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–07258 Filed 4–25–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0032]

Submission for OMB Review; Comment Request

AGENCY: Washington Headquarters Services, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by May 28, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Pentagon Commuter Survey; OMB Control Number 0704–PCTS.

Type of Request: New.

Number of Respondents: 1,000.

Responses per Respondent: 1.

Annual Responses: 1,000.

Average Burden per Response: 3 minutes.

Annual Burden Hours: 50.

Needs and Uses: This information collection assesses commute patterns to and from the Pentagon and Mark Center. This will capture information from individuals that are either federal government employees or contractors of the U.S. government. This data will be aggregated and support annual evaluation of Pentagon and Mark Center transportation management plans to confirm national capital planning commission guidelines.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: April 22, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–07199 Filed 4–25–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0141]

Submission for OMB Review; Comment Request

AGENCY: The Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by May 28, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for Homeowners Assistance; DD Form 1607; OMB Control Number 0704–0463.

Type of Request: Extension.

Number of Respondents: 15.

Responses per Respondent: 1.

Annual Responses: 15.

Average Burden per Response: 1 hour.

Annual Burden Hours: 15.

Needs and Uses: In accordance with Section 3374 of U.S. Code title 42; the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5); 32 CFR part 239; and DoD Directive 4165.50E, “Homeowners Assistance Program (HAP),” the DoD provides funds to financially compensate eligible members of the Armed Forces who incur a wound, injury, or illness in the line of duty during a deployment in support of the Armed Forces on or after September 11, 2001; wounded DoD and Coast Guard civilian homeowners reassigned in furtherance of medical treatment or rehabilitation or due to medical retirement in connection with a disability incurred in the performance of his or her duties during a forward deployment occurring on or after September 11, 2001 in support of the Armed Forces; and surviving spouses of fallen warriors who move within two years of the death of such employee or member. Additionally, during the times of Base Realignment and Closure, the HAP program can be authorized to assist civilian and active-duty homeowners who are impacted by the closure or realignment of their job duties. Priority access to the funds goes to surviving spouses of those killed during deployment and those who were wounded, injured, or ill during deployment on or after September 11, 2001. HAP applicants use DD Form 1607, “Application for Homeowner’s Assistance Program (HAP),” to apply for HAP benefits.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: April 22, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–07198 Filed 4–25–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE**Department of the Army, Army Corps of Engineers**

[NEPA ID Number: PEIS-202-00-G5P-1728988668]

Notice of Intent To Prepare a Programmatic Environmental Impact Statement (PEIS) for the Lower Missouri River Flood Risk and Resiliency System Plan

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, the U.S. Army Corps of Engineers Omaha District and Kansas City District (USACE) intend to jointly prepare a feasibility study with integrated programmatic environmental impact statement (PEIS) that analyzes and discloses effects associated with the Lower Missouri River Flood Risk and Resiliency System Plan. The System Plan is being developed to identify actions to address flood risk and resiliency along the entire Lower Missouri River. The System Plan seeks to identify projects that can achieve flood risk benefits while also providing ecological, recreational, economic, or social benefits.

DATES: The USACE invites federal and state agencies, Native American Tribes, local governments, and the public to submit comments on the alternatives and effects to be considered in the PEIS by May 28, 2025.

ADDRESSES: Send written scoping comments, requests to be added to the mailing list, or requests for sign language interpretation for people who are deaf/hard of hearing, or other special assistance needs to Mr. Max Headlee by telephone: (816) 389-3134; by mail: 601 E 12th Street, Kansas City, MO 64106; or by email: max.r.headlee@usace.army.mil. Alternatively, these materials and requests can be sent to Mr. David Crane by telephone: (402) 995-2676; by mail: 1616 Capitol Avenue, Omaha, NE 68102-4901; or by email: david.j.crane@usace.army.mil.

FOR FURTHER INFORMATION CONTACT: For further information and/or questions about the proposed feasibility study with integrated PEIS, please contact Mr. Max Headlee by telephone: (816) 389-3134, by mail: 601 E 12th Street, Kansas City, MO 64106, or by email: max.r.headlee@usace.army.mil; or contact Mr. David Crane by telephone: (402) 995-2676, by mail: 1616 Capitol Avenue, Omaha, NE 68102-4901, or by

email: david.j.crane@usace.army.mil. For inquiries from the media, please contact the USACE Kansas City District Public Affairs Specialist, Ms. Christine Paul by telephone: (816) 389-2096, by mail: 601 E 12th Street, Kansas City, MO 64106, or by email: christine.e.paul@usace.army.mil.

SUPPLEMENTARY INFORMATION:

1. *Background:* The Lower Missouri River Flood Risk and Resiliency System Plan (System Plan) is being developed through a partnership between the USACE and the states of Iowa, Nebraska, Kansas, and Missouri. Recurring flooding on the Missouri River has created desire to find new, more resilient solutions to reduce the consequences of flooding along the 735-mile Missouri River floodplain from Sioux City, Iowa to St. Louis, Missouri.

These floods cause billions of dollars in damage to critical infrastructure, residential property, businesses, federal flood risk and navigation infrastructure, public and private transportation and utility infrastructure, and agricultural cropland and related facilities. The generally long duration of these flood events often disrupts critical transportation and utility services for several months resulting in extended recovery times even after floodwaters recede.

2. *Purpose and Need for the Proposed Action:* The purpose of this study is to develop a System Plan to identify actions to address flood risk and resiliency along the 735 miles of the Lower Missouri River from Sioux City, Iowa to St. Louis, Missouri. The System Plan seeks to identify projects that can achieve flood risk reduction benefits while also potentially providing secondary ecological, recreational, or social benefits. There is a need to address ongoing flood risk along the Missouri River and improve resiliency of floodplain communities and infrastructure. In the last 30 years, three record setting floods (1993, 2011, and 2019) have occurred in various reaches of the Missouri River, each of which equaled or exceeded the 0.2 percent annual exceedance probability flood event at multiple gauges. In addition, four of the six highest annual volumes of unregulated runoff in the Upper Missouri River Basin have occurred since 2010 (2010, 2011, 2018 and 2019) based on the 122-year period of record. This flooding along the Missouri River has led to injuries and death, transportation disruptions, home and business destruction, and agricultural operation impacts.

3. *Description of Proposed Action and Alternatives:* The no action alternative

and all reasonable alternatives that meet the purpose and need will be considered in the PEIS. The USACE developed seven action alternatives for a regionally integrated and coordinated plan for the lower 735 miles of the Missouri River to reduce flood risk and improve system resiliency.

The first action alternative focuses on increased flood water conveyance in which levees are set back and realigned to widen the area available to the river when flooding, reduce flood stage, and reduce flood velocity. The second action alternative focuses on modifying roadway elevations and constructing ring levees to enhance protection of transportation and other critical infrastructure. The third action alternative focuses on the increased level of performance gained by raising existing levees to a higher elevation. The fourth action alternative focuses on improving the resiliency of existing infrastructure by identifying levees that would benefit from slope armoring, controlled overtopping, seepage/stability berms, and pumps. The fifth action alternative focuses on non-structural measures, such as identifying areas for floodproofing, increasing elevation, or buyouts. The sixth action alternative focuses on constructing new levees or federalizing and improving existing private levees. The seventh action alternative focuses on combining the themes of the other action alternatives.

USACE has also identified candidate locations where actions could be taken to achieve flood risk and resiliency benefits. The System Plan would recommend future site-specific USACE flood risk management studies for these locations. Potential environmental mitigation measures would be incorporated into the System Plan, as appropriate.

4. *Summary of Potential Effects:* The PEIS will analyze and disclose environmental impacts associated with the watershed-scale System Plan together with engineering, operations and maintenance, social, and economic considerations. The PEIS will address the anticipated direct, indirect, and cumulative impacts associated with the System Plan alternatives. Given the large geographic area and time horizon over which projects would be identified, the impacts analysis in the PEIS will reflect the major broad and general impacts that may result from implementation of the System Plan alternatives. The PEIS will disclose anticipated impacts to water resources, terrestrial and aquatic habitats, socioeconomics, and other resource categories.

5. *Anticipated Permits, Other Authorizations, and Other Directives:*

While the development and implementation of the System Plan would not require any permits, the PEIS will identify any permits or authorizations that would likely be required for any tiered projects that are constructed in accordance with the System Plan.

6. *Schedule for the Decision-Making Process:* The USACE is currently in the process of evaluating the alternatives. The USACE anticipates that a draft System Plan with integrated PEIS will be released for public review in July 2025. The USACE anticipates that this public review period will last for 45 days. The USACE anticipates that it will finalize the System Plan with integrated PEIS by May 2026.

7. *Scoping Process/Public Involvement:* Public scoping meetings and other engagement opportunities are being conducted by a combination of in-person meetings held across the lower Missouri River and quarterly webinar presentations. The USACE hosted a series of public scoping meetings across the lower Missouri River in 2023 and 2024. The public was informed of this study and was given the opportunity to submit comments and questions in multiple ways. Comments could be submitted by filling out a comment sheet that included prompts for specific feedback as well as general comments. The USACE received approximately 35 comments in this manner. The USACE also provided the public with maps of the lower Missouri River and invited the public to mark these maps with location-specific comments. The USACE received approximately 115 comments in this manner. The locations of the previous in-person scoping meetings were selected to facilitate public involvement throughout the study area. The locations and dates of these meetings are listed here:

- Atchison, Kansas. First Meeting: 20 July 2023. Second Meeting: 8 April 2024.
- Council Bluffs, Iowa. First Meeting: 17 July 2023. Second Meeting: 11 April 2024.
- Jefferson City, Missouri. First Meeting: 19 July 2023. Second Meeting: 25 April 2024.
- Marshall, Missouri. 30 April 2024.
- Missouri Valley, Iowa. 11 April 2024.
- Mound City, Missouri. 1 April 2024.
- Nebraska City, Nebraska. 18 July 2023.
- Percival, Iowa. 10 April 2024.
- St. Joseph, Missouri. 9 April 2024.

- Washington, Missouri. 24 April 2024.

Quarterly webinars are currently held every third Wednesday of January, April, July, and October to provide study updates and opportunities to ask questions. These webinars will continue during the duration of the study. Links to these webinars, including recordings of previously held webinars, are available on the study's web page. This web page includes a submission form for comments and questions, answers to frequently asked questions, and an interactive map of the lower Missouri River that allows users to submit location-specific comments. The web page is available at this link: <https://www.nwk.usace.army.mil/Missions/Civil-Works/Civil-Works-Programs-And-Projects/Lower-Missouri-River-Basin/>.

Cooperating agencies for the System Plan include the Environmental Protection Agency, Federal Emergency Management Agency, Natural Resources Conservation Service, and United States Fish and Wildlife Service. Participating agencies for the System Plan include the Iowa Department of Natural Resources, Iowa Department of Transportation, Kansas Department of Health and Environment, Kansas Department of Transportation, Kansas Department of Wildlife and Parks, Missouri Department of Conservation, Missouri Department of Natural Resources, Missouri Department of Transportation, Nebraska Department of Environment and Energy, Nebraska Department of Natural Resources, Nebraska Department of Transportation, and Nebraska Game and Parks Commission.

The public is invited to identify and comment on issues and effects they believe should be addressed in the PEIS; considerations in developing a System Plan for the Lower Missouri River to address flood risk and resiliency; and any relevant information, studies, or analyses with respect to the development of a System Plan.

8. *Public Disclosure Statement:* The USACE is issuing this notice pursuant to section 102(C) of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.* The USACE believes it is important to inform the public of the environmental review process. To assist the USACE in identifying and considering issues related to the development of the System Plan, comments made during formal scoping and later on the draft PEIS should be as specific as possible. Reviewers should structure their participation in the environmental review of the proposal so that it is meaningful and alerts the USACE to the reviewers' position and contentions. It

is very important that those interested in this System Plan participate by providing comments throughout the study process so that substantive comments and objections are made available to the USACE at a time when they can meaningfully consider and respond to them.

The study team is currently open to receive comments at any time prior to the completion of the draft System Plan with integrated PEIS. Once the draft System Plan with integrated PEIS is published for public comment, a defined public comment period (likely 45 days) will be initiated. If you wish to comment, you can mail or email your comments as indicated under the **ADDRESSES** section. Before including your name, address, phone number, email address, or any other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made available to the public at any time. While you can request in your comment for us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Jeffrey D. Hall,

Colonel, Corps of Engineers, Deputy Division Commander.

[FR Doc. 2025-07293 Filed 4-25-25; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any

responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so

requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. Each filing may be viewed on the Commission's website at <http://www.ferc.gov> using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Docket Nos.	File date	Presenter or requester
<i>Prohibited:</i>		
1. ER25-1674-000	4-09-2025	FERC Staff. ¹
2. P-1904-000	4-17-2025	FERC Staff. ²
P-1855-000		
P-1892-000		
<i>Exempt:</i>		
1. ER25-682-000	4-17-2025	New Jersey Governor Philip D. Murphy.
ER25-785-000		
2. EL22-78-000	4-17-2025	FERC Staff. ³

¹ Written communication dated 04/07/2025 from former FERC Chair/Commissioners James J. Hoecker, Donald F. Santa, Pat Wood, III, Nora Mead Brownell, Joseph T. Kelliher, John R. Norris, Neil Chatterjee, and Rich A. Glick.

² Response to email correspondence from John Ragonese.

³ Email communication dated 04/16/2025 from Paul Cicio of Industrial Energy Consumers of America.

Dated: April 22, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-07242 Filed 4-25-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP25-832-000.

Applicants: ANR Storage Company.

Description: Compliance filing: 2025 Operational Purchases and Sales Report to be effective N/A.

Filed Date: 4/22/25.

Accession Number: 20250422-5052.

Comment Date: 5 p.m. ET 5/5/25.

Docket Numbers: RP25-833-000.

Applicants: Bison Pipeline LLC.

Description: Compliance filing: 2025 Operational Purchases and Sales Report to be effective N/A.

Filed Date: 4/22/25.

Accession Number: 20250422-5053.

Comment Date: 5 p.m. ET 5/5/25.

Docket Numbers: RP25-834-000.

Applicants: Blue Lake Gas Storage Company.

Description: Compliance filing: 2025 Operational Purchases and Sales Report to be effective N/A.

Filed Date: 4/22/25.

Accession Number: 20250422-5055.

Comment Date: 5 p.m. ET 5/5/25.

Docket Numbers: RP25-835-000.

Applicants: Great Lakes Gas Transmission Limited Partnership.

Description: Compliance filing: 2025 Operational Purchases and Sales Report to be effective N/A.

Filed Date: 4/22/25.

Accession Number: 20250422-5060.

Comment Date: 5 p.m. ET 5/5/25.

Docket Numbers: RP25-836-000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: §4(d) Rate Filing: Negotiated Rate Agreements Filing—NextEra and Vitol to be effective 5/1/2025.

Filed Date: 4/22/25.

Accession Number: 20250422-5074.

Comment Date: 5 p.m. ET 5/5/25.

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 22, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-07243 Filed 4-25-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Project No. 2347–064]****Midwest Hydro, LLC; Notice of Reasonable Period of Time For Water Quality Certification Application**

On March 24, 2025, Midwest Hydro, LLC (Midwest Hydro) submitted to the Federal Energy Regulatory Commission (Commission) notice from the Wisconsin Department of Natural Resources (Wisconsin DNR) that Wisconsin DNR received a request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from Midwest Hydro, in conjunction with the above captioned project on January 31, 2025. Pursuant to the Commission's regulations,¹ we hereby notify Wisconsin DNR of the following:

Date of Receipt of the Certification Request: January 31, 2025.

Reasonable Period of Time to Act on the Certification Request: One year, January 31, 2026.

If Wisconsin DNR fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: April 22, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–07291 Filed 4–25–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Combined Notice of Filings #2**

Take notice that the commission received the following accounting Request filings:

Filings Instituting Proceedings

Docket Numbers: AC25–72–000.

Applicants: Midwestern Gas Transmission Company.

Description: Midwestern Gas Transmission Company submits request for approval of proposed journal entries re acquisition of Midwestern Gas Transmission Company by DTM Interstate Transportation, LLC, effective 12/31/2024.

Filed Date: 4/11/25.

Accession Number: 20250411–5226.

Comment Date: 5 p.m. ET 5/6/25.

Docket Numbers: AC25–73–000.

Applicants: Guardian Pipeline, L.L.C.

Description: Guardian Pipeline, L.L.C. submits request for approval of proposed journal entries re acquisition of Guardian Pipeline, L.L.C. by DTM Interstate Transportation, LLC, effective 12/31/2024.

Filed Date: 4/11/25.

Accession Number: 20250411–5227.

Comment Date: 5 p.m. ET 5/6/25.

Docket Numbers: AC25–74–000.

Applicants: Viking Gas Transmission Company.

Description: Viking Gas Transmission Company submits request for approval of proposed journal entries re acquisition of Viking Gas Transmission Company by DTM Interstate Transportation, LLC, effective 12/31/2024.

Filed Date: 4/11/25.

Accession Number: 20250411–5228.

Comment Date: 5 p.m. ET 5/6/25.

Docket Numbers: AC25–83–000.

Applicants: Double E Pipeline, LLC.

Description: Double E Pipeline, LLC submits request for approval of proposed journal entries to properly reflect the depreciation rates re Double E Pipeline, LLC's in-service date of 11/18/2021 through 12/31/2024.

Filed Date: 4/17/25.

Accession Number: 20250417–5166.

Comment Date: 5 p.m. ET 5/6/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in

Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: April 22, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–07244 Filed 4–25–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Project No. 2348–050]****Midwest Hydro, LLC; Notice of Reasonable Period of Time for Water Quality Certification Application**

On March 24, 2025, Midwest Hydro, LLC (Midwest Hydro) submitted to the Federal Energy Regulatory Commission (Commission) notice from the Wisconsin Department of Natural Resources (Wisconsin DNR) that Wisconsin DNR received a request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from Midwest Hydro, in conjunction with the above captioned project on January 31, 2025. Pursuant to the Commission's regulations,¹ we hereby notify Wisconsin DNR of the following:

Date of Receipt of the Certification Request: January 31, 2025.

Reasonable Period of Time to Act on the Certification Request: One year, January 31, 2026.

If Wisconsin DNR fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: April 22, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–07290 Filed 4–25–25; 8:45 am]

BILLING CODE 6717–01–P

¹ 18 CFR 4.34(b)(5)(iii).

¹ 18 CFR 4.34(b)(5)(iii).

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Project No. 14861–002]****FFP Project 101, LLC; Notice of Meeting**

a. *Project Name and Number:*
Goldendale Energy Storage Project No. 14861–002.

b. *Applicant:* FFP Project 101, LLC.

c. *Date and Time of Meeting:*
Wednesday, May 7, 2025, from 2:00 p.m. to 4:00 p.m. Eastern Standard Time (11:00 a.m. to 1:00 p.m. Pacific Standard Time).

d. *FERC Contact:* Michael Tust, (202) 502–6522, michael.tust@ferc.gov.

e. *Purpose of Meeting:* As requested by the Advisory Council on Historic Preservation (Advisory Council), Commission staff will hold a meeting with representatives from the Advisory Council, Washington State Historic Preservation Office (Washington SHPO), Oregon State Historic Preservation Office (Oregon SHPO), and affected Native American Tribes to discuss revisions to Commission staff's draft Programmatic Agreement (PA) for the proposed Goldendale Energy Storage Project pursuant to section 106 of the National Historic Preservation Act. Specifically, Commission staff will discuss revisions made to the draft PA since the last meeting was held on November 18, 2024. The meeting will be held virtually via Microsoft Teams.

f. Intervenor in the referenced proceeding may attend the meeting as observers; however, participation will be limited to representatives from the Advisory Council, Washington SHPO, Oregon SHPO, Tribes, and Commission staff. If meeting attendees decide to disclose information about a specific location which could create a risk or harm to an archaeological site or Native American cultural resource, attendees other than the Advisory Council, Washington SHPO, Oregon SHPO, Tribal representatives, and Commission staff will be excused for that portion of the meeting.

A summary of the meeting will be placed in the public record of this proceeding. As appropriate, the meeting summary will include both a public, redacted version that excludes any information about the specific location of the archeological site or Native American cultural resource and an unredacted privileged version. Intervenor planning to attend the meeting should notify Michael Tust at (202) 502–6522 or michael.tust@ferc.gov by Monday May 5, 2025, to RSVP and

to receive specific instructions for logging in to the meeting.

Dated: April 22, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–07289 Filed 4–25–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Combined Notice of Filings #1**

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER22–392–002.

Applicants: El Paso Electric Company.

Description: Compliance filing: EPE Order No. 864 Compliance filing to be effective 1/1/2022.

Filed Date: 4/22/25.

Accession Number: 20250422–5171.

Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: ER24–2029–001.

Applicants: Dominion Energy South Carolina, Inc.

Description: Compliance filing: Order No. 2023 Supplemental Compliance Filing to be effective 8/1/2025.

Filed Date: 4/21/25.

Accession Number: 20250421–5159.

Comment Date: 5 p.m. ET 5/12/25.

Docket Numbers: ER25–1462–001.

Applicants: New York Independent System Operator, Inc.

Description: Compliance filing: NYISO Compliance: Canadian Import Tariffs to be effective 3/1/2025.

Filed Date: 4/22/25.

Accession Number: 20250422–5121.

Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: ER25–1546–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment of GIA, SA No. 7582; AG1–508 in Docket ER25–1546–000 to be effective 2/6/2025.

Filed Date: 4/22/25.

Accession Number: 20250422–5168.

Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: ER25–1632–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment of GIA, SA No. 7592; AE2–276 in Docket ER25–1632–000 to be effective 6/22/2025.

Filed Date: 4/22/25.

Accession Number: 20250422–5152.

Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: ER25–2010–000.

Applicants: Dover Plains Energy Properties LLC.

Description: Dover Plains Energy Properties LLC submits a Petition for Limited Waiver of New York Independent System Operator, Inc. Open Access Transmission Tariff with Request for Expedited Action.

Filed Date: 4/18/25.

Accession Number: 20250418–5253.

Comment Date: 5 p.m. ET 5/9/25.

Docket Numbers: ER25–2013–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 6768; Queue No. AF1–325 to be effective 6/22/2025.

Filed Date: 4/22/25.

Accession Number: 20250422–5028.

Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: ER25–2014–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: EDF Renewables (Double Run 2 Solar & Battery) LGIA Termination Filing to be effective 4/22/2025.

Filed Date: 4/22/25.

Accession Number: 20250422–5067.

Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: ER25–2015–000.

Applicants: NorthWestern Corporation.

Description: Tariff Amendment: Cancellation of SA 296 6th Rev. NITSA with ExxonMobil to be effective 4/23/2025.

Filed Date: 4/22/25.

Accession Number: 20250422–5109.

Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: ER25–2016–000.

Applicants: Duke Energy Carolinas, LLC.

Description: § 205(d) Rate Filing: DEC–DEC Surplus Interconnection Service Facilities Study Agreement SA. No. 699 to be effective 4/23/2025.

Filed Date: 4/22/25.

Accession Number: 20250422–5117.

Comment Date: 5 p.m. ET 5/13/25.

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 22, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025-07241 Filed 4-25-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of proposed fiscal year 2026 Boulder Canyon Project base charge and rates for electric service.

SUMMARY: The Desert Southwest region (DSW) of the Western Area Power Administration (WAPA) proposes an adjustment to the fiscal year (FY) 2026 base charge and rates for Boulder Canyon Project (BCP) electric service under Rate Schedule BCP-F11. The proposal would increase the base charge 7.9 percent, from \$74.3 million in FY 2025 to \$80.2 million in FY 2026. The change is due primarily to an increase in the Bureau of Reclamation's (Reclamation) operations and maintenance (O&M) expenses and a decrease in anticipated prior year carryover funds from FY 2025. The proposed base charge and rates would

go into effect on October 1, 2025, and remain in effect through September 30, 2026. Publication of this **Federal Register** notice will initiate the public process.

DATES: A consultation and comment period begins April 28, 2025 and will end on July 28, 2025. DSW will present a detailed explanation of the proposed FY 2026 base charge and rates at a public information forum on May 28, 2025, from 10 a.m. Mountain Standard Time to no later than 12 p.m. Mountain Standard Time. DSW will also host a public comment forum on June 27, 2025, from 10 a.m. Mountain Standard Time to no later than 12 p.m. Mountain Standard Time, or until the last comment is received. The public information and public comment forums will be held virtually and in person at WAPA's Desert Southwest Regional Office located at 615 South 43rd Avenue, Phoenix, Arizona 85009. Instructions for participating in the forums will be posted on DSW's BCP Rates website at least 14 days prior to the public information and comment forums at: www.wapa.gov/about-wapa/regions/dsw/rates/boulder-canyon-project-rates. DSW will accept written comments any time during the consultation and comment period.

As access to federal facilities is controlled, any U.S. citizen wishing to attend a public forum at WAPA must present an official form of picture identification (ID), such as a U.S. driver's license, U.S. passport, U.S. government ID, or U.S. military ID at the time of the meeting. Foreign nationals should contact Tina Ramsey, Rates Manager, Desert Southwest Region, Western Area Power Administration, (602)812-2355, or dswpwrmrk@wapa.gov in advance of a forum to obtain the necessary form for admittance to the DSW Regional Office.

ADDRESSES: Written comments and requests to be informed of Federal Energy Regulatory Commission (FERC) actions concerning the proposed base charge and rates should be sent to: Regional Manager, Desert Southwest Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-6457, or

dswpwrmrk@wapa.gov. DSW will post information concerning the rate process and written comments received to its BCP Rates website at: www.wapa.gov/about-wapa/regions/dsw/rates/boulder-canyon-project-rates.

FOR FURTHER INFORMATION CONTACT: Tina Ramsey, Rates Manager, Desert Southwest Region, Western Area Power Administration, (602) 812-2355, or dswpwrmrk@wapa.gov.

SUPPLEMENTARY INFORMATION: Hoover Dam,¹ authorized by the Boulder Canyon Project Act of 1928, as amended (43 U.S.C. 617, *et seq.*), sits on the Colorado River along the Arizona-Nevada border. The Hoover Dam power plant has 19 generating units (two for plant use) with installed capacity of 2,078.8 megawatts (4,800 kilowatts for plant use). In collaboration with Reclamation, WAPA markets and delivers hydropower from the Hoover Dam power plant through high-voltage transmission lines and substations to customers in Arizona, Southern California, and Southern Nevada.

The rate-setting methodology for BCP calculates an annual base charge rather than a unit rate for Hoover Dam hydropower. The base charge recovers an annual revenue requirement that includes projected costs for investment repayment, interest, operations, maintenance, replacements, payments to states, and Hoover Dam visitor services. Non-power revenue projections such as water sales, Hoover Dam visitor revenue, ancillary services, and late fees help offset these projected costs. Hoover power customers are billed a percentage of the base charge in proportion to their power allocation. Unit rates are calculated for comparative purposes but are not used to determine the charges for service.

On March 31, 2023, FERC approved and confirmed Rate Schedule BCP-F11, under Rate Order No. WAPA-204, on a final basis through September 30, 2027.² Rate Schedule BCP-F11 and the BCP Electric Service Contract requires WAPA to determine the annual base charge and rates for the next fiscal year before October 1 of each year. The FY 2025 BCP base charge and rates expire on September 30, 2025.

COMPARISON OF BASE CHARGE AND RATES

	FY 2025	FY 2026	Amount change	Percent change
Base Charge (\$)	74,334,285	80,184,173	5,849,888	7.9
Composite Rate (mills/kWh)	24.39	26.31	1.92	7.9

¹ Hoover Dam was known as Boulder Dam from 1933 to 1947, but was renamed Hoover Dam by an April 30, 1947, joint resolution of Congress. See Act

of April 30, 1947, H.J. Res. 140, ch. 46, 61 Stat. 56-57.

² Order Confirming and Approving Rate Schedule on a Final Basis, FERC Docket No. EF22-4-000.

COMPARISON OF BASE CHARGE AND RATES—Continued

	FY 2025	FY 2026	Amount change	Percent change
Energy Rate (mills/kWh)	12.20	13.16	.96	7.9
Capacity Rate (\$/kW-Mo)	2.17	2.34	0.17	7.8

The proposed FY 2026 base charge for BCP electric service is projected to increase from \$74.3 million in FY 2025 to \$80.2 million in FY 2026, a 7.9 percent increase.

Reclamation's FY 2026 budget is increasing \$1.6 million, from \$87.2 million to \$88.8 million, a 1.8 percent increase from FY 2025. This budget reflects a \$3.1 million increase in O&M costs, primarily due to higher projected labor costs for salaries, benefits, and overhead. Additionally, services, materials and supplies, and equipment costs have increased due to rising purchase needs and inflation. Several large projects are being delayed, reducing replacements costs by \$2.5 million. Post-retirement benefits costs are increasing \$189,000 based on a higher five-year average of recent actual expenses. Visitor services costs are increasing \$772,000 primarily due to higher projected labor costs for salaries, benefits, overhead, and overtime.

WAPA's FY 2026 budget is unchanged from FY 2025 and will remain at \$10.1 million. Non-power revenue projections for Reclamation and WAPA are decreasing \$81,000 to \$18.3 million, due to lower estimated revenues for ancillary services. Prior year carryover is projected to result in a shortfall of approximately \$71,000, a \$4.2 million decrease from FY 2025. This decrease is attributed to higher execution rates in FY 2024 and the allocation of previously collected multiyear project funds for ongoing and upcoming work.

The composite and energy rates are increasing 7.9 percent, and the capacity rate is increasing 7.8 percent from FY 2025. These unit rate calculations use forecasted energy and capacity values, which may be updated when determining the final base charge and rates if hydrological conditions change.

WAPA's proposed base charge and rates for FY 2026, which would be effective October 1, 2025, are preliminary and subject to change based on modifications to forecasts before publication of the final base charge and rates.

Legal Authority

WAPA is establishing rates for BCP electric service in accordance with section 302 of the DOE Organization Act (42 U.S.C. 7152). This provision

transferred to, and vested in, the Secretary of Energy certain functions of the Secretary of the Interior, along with the power marketing functions of Reclamation. Those functions include actions that specifically apply to the BCP.

WAPA's proposal to calculate the base charge and rates for FY 2026 constitutes a major rate adjustment, as defined by 10 CFR 903.2(d). In accordance with 10 CFR 903.15, 10 CFR 903.16, and 10 CFR 904.7(e), DSW will hold public information and public comment forums for this rate adjustment. DSW will review and consider all timely public comments at the conclusion of the consultation and comment period and adjust the proposal as appropriate.

DOE regulations governing charges for the sale of BCP power, 10 CFR 904.7(e), requires annual review of the BCP base charge and an "adjust[ment] either upward or downward, when necessary and administratively feasible, to assure sufficient revenues to effect payment of all costs and financial obligations associated with the [p]roject." This proposal is issued pursuant to Delegation Order No. S1–DEL–RATES–2016, effective November 19, 2016, in which the Secretary of Energy delegated the authority to develop power and transmission rates to WAPA's Administrator. The BCP Electric Service Contract states that for years other than the first year and each fifth year thereafter, when the rate schedule is approved by the Deputy Secretary of Energy on a provisional basis and by FERC on a final basis, adjustments to the base charge "shall become effective upon approval by the Deputy Secretary of Energy." Accordingly, the Deputy Secretary of Energy would approve the final FY 2026 base charge and rates for BCP electric service, as authorized by the BCP Electric Service Contract and DOE's procedures for public participation in rate adjustments set forth at 10 CFR parts 903 and 904.³ The FY 2026 base charge will also be filed at FERC for informational purposes only.

³ 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

Availability of Information

All brochures, studies, comments, letters, memorandums, or other documents that DSW initiates or uses to develop the proposed formula rates for electric service and the base charge and rates are available for inspection and copying at the Desert Southwest Regional Office, located at 615 South 43rd Avenue, Phoenix, Arizona. Many of these documents and supporting information are also available on DSW's BCP Rates website at: www.wapa.gov/about-wapa/regions/dsw/rates/boulder-canyon-project-rates.

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.⁴

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 22, 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**.

⁴ In compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, and DOE NEPA Implementing Procedures and Guidelines, 10 CFR part 1021.

Signed in Washington, DC, on April 23, 2025.

Treena V. Garrett,
Federal Register Liaison Officer, U.S.
Department of Energy.

[FR Doc. 2025-07270 Filed 4-25-25; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2025-0085; FRL-12667-01-OAR; EPA ICR No. 2691.03, OMB Control Number 2060-0740]

Agency Information Collection Activities; Proposed Information Collection Request; Comment Request; Renewable Fuel Standard (RFS) Program: RFS Annual Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), Renewable Fuel Standard (RFS) Program: RFS Annual Rules (EPA ICR Number 2691.03, OMB Control Number 2060-0740) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through October 31, 2025. This notice allows for 60 days for public comments.

DATES: Comments must be submitted on or before June 27, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2025-0085, to EPA online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Anne-Marie C. Pastorkovich, Office of Air and Radiation, Mail Code 6405A, Environmental Protection Agency, 1200

Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-343-9623; email address: pastorkovich.anne-marie@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through October 31, 2025. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

This document allows 60 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: This ICR is for provisions regarding biointermediates in the Renewable Fuel Standard (RFS) program. A "biointermediate" is produced from a renewable biomass feedstock at a biointermediate production facility and is not itself a renewable fuel; the biointermediate will be processed into a renewable fuel at a subsequent renewable fuel production facility. The biointermediate provisions were included in the EPA's finale rulemaking to establish RFS volume

standards for 2020, 2021, and 2022 (87 FR 39600, July 1, 2022).

The recordkeeping and reporting requirements allow the EPA to monitor compliance of biointermediate producers, renewable identification number (RIN) generators who are renewable fuel producers who use biointermediates, biointermediate importers, and specific third parties (e.g., quality assurance plan, or QAP, providers). This ICR is related to the general collection related to RFS, which bears OMB Control No. 2060-0725 (expiring November 30, 2025).

Form Numbers: RFS0107 (5900-631), RFS0602 (5900-290), RFS0702 (5900-289), RFS0801 (5900-293), RFS0902 (5900-278), RFS2001 (5900-633), RFS2101 (5900-634), RFS2201 (5900-636), RFS2301 (5900-636), RFS2400 (5900-361), RFS4000 (5900-529).

Respondents/affected entities: Biointermediate producers, RIN generators (renewable fuel producers), biointermediate importers, third parties (including QAP providers).

Respondent's obligation to respond: mandatory under 40 CFR parts 80 and 1090.

Estimated number of respondents: 926 (total).

Frequency of response: quarterly, annually, on occasion.

Total estimated burden: 21,942 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$1,556,191 (per year), which includes \$0 annualized capital or operation & maintenance costs.

Changes in the estimates: There is a decrease of 145,443 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to far fewer parties who have actually registered as biointermediate producers than the original estimates anticipated in the RFS final rule for 2020-2022 as a potential upper limit. Since the initial estimates were made, we now know that very few parties (far fewer than 10) have registered as biointermediate producers, although we anticipated as many as 60 might register at the start of the program. Similarly, we now know from registrations that very few parties (far fewer than 10) have registered as RIN generators related to biointermediates, although we anticipated as many as 90 at the start. We have readjusted our estimates to reflect the reality of

participation in the first three years of this ICR.

Byron Bunker,

Director, Implementation, Analysis and Compliance Division.

[FR Doc. 2025–06877 Filed 4–25–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2025–0077; FRL–12476–02–OCSPP]

Certain New Chemicals or Significant New Uses; Statements of Findings—February 2025

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA submissions when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from February 1 to February 28, 2025.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2025–0077, is available online at <https://www.regulations.gov>. Additional information about dockets generally, along with instructions for visiting the docket in-person, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For technical information: Rebecca Edelstein, New Chemical Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–1667 email address: edelstein.rebecca@epa.gov.

For general information: The TSCA–Hotline, ABVI–Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

B. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of submissions under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the applicable period.

C. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a submission under TSCA section 5(a) and make specific findings pertaining to whether the substance may present unreasonable risk of injury to health or the environment. Among those potential findings is that the chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment per TSCA Section 5(a)(3)(C).

TSCA section 5(g) requires EPA to publish in the **Federal Register** a statement of its findings after its review of a submission under TSCA section 5(a) when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of “not likely to present an unreasonable risk of injury to health or the environment” may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

II. Statements of Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA identifies the PMNs, MCANs and SNUNs for which EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. For the findings made during this period, the following list provides the EPA case number assigned to the TSCA section 5(a) submission and the chemical identity (generic name if the specific name is claimed as confidential).

- J–25–0001, Biofuel producing *Saccharomyces cerevisiae* modified, genetically stable (Generic Name).
- J–25–0002, Strain of *Escherichia coli* modified with genetically stable, plasmid-borne DNA for the production of plasmid-borne DNA (Generic Name).
- P–24–0099, Saturated and unsaturated hydrocarbon waxes, oxidized, polymers with alkenoic acid, alkanedioic acid, substituted carbomonocycle, alkyl alkenoate, alkenyl substituted heteromonocycle, alkylene glycol, alkyl alkenoate, alkenedioic acid, polyalkylene glycol ether with substituted carbomonocycle (alkylidene)bis-, polyalkylene glycol ether with substituted carbomonocycle (alkylidene)bis-, alkanic acid, alkyl alkenoate, disubstituted carbomonocycle, substituted heteropolycycle, alkyl peroxide-initiated (Generic Name).
- P–24–0161, Fats and glyceridic oils, camelina sativa. Definition: Extractives and their physically modified derivatives. It consists primarily of the glycerides of the fatty acids docosenoic, eicosenoic, linoleic, linolenic, oleic, palmitic and stearic. (*Camelina sativa*); CASRN: 943248–37–1.

To access EPA's decision document describing the basis of the “not likely to present an unreasonable risk” finding made by EPA under TSCA section 5(a)(3)(C), lookup the specific case number at <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/chemicals-determined-not-likely>.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: April 21, 2025.

Shari Z. Barash,

Director, New Chemicals Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2025–07300 Filed 4–25–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY**[EPA-HQ-OAR-2024-0265; FRL-12754-01-OMS]****Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NESHAP for Solvent Extraction for Vegetable Oil Production (Renewal)****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Solvent Extraction for Vegetable Oil Production (EPA ICR Number 1947.11, OMB Control Number 2060-0471) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2025. Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before May 28, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2024-0265, to EPA online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Muntasir Ali, Sector Policies and Program Division, Office of Air Quality

Planning and Standard, D243-05, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (919) 541-0833; email address: ali.muntasir@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through April 30, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period (89 FR 63933). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Solvent Extraction for Vegetable Oil Production (40 CFR part 63, subpart GGGG) apply to existing facilities and new facilities with a vegetable oil production process and that is a major source of hazardous air pollutant (HAP) or is collocated with other sources that are individually or collectively a major source of HAP emissions. Owners and operators of affected facilities are required to comply with reporting and recordkeeping requirements for the General Provisions (40 CFR part 63, subpart A), as well as for the applicable specific standards. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. This information is being collected to assure compliance with 40 CFR part 63, subpart GGGG.

Form numbers: None.

Respondents/affected entities:

Facilities with a vegetable oil production process.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart GGGG).

Estimated number of respondents: 87 (total).

Frequency of response: Initially, occasionally, and annually.

Total estimated burden: 33,000 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$4,520,000 (per year), which includes \$0 annualized capital or operation & maintenance costs.

Changes in the estimates: There is a decrease of 1,100 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to a decrease in the number of sources.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025-07257 Filed 4-25-25; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL RESERVE SYSTEM**Agency Information Collection Activities; Announcement of Board Approval Under Delegated Authority and Submission to OMB**

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Computer-Security Incident Notification (FR 2231; OMB No. 7100-0384).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghrabi@frb.gov, (202) 452-3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395-6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information

collections and burden estimates than this notice), and approved collection of information instrument(s) are available at <https://www.reginfo.gov/public/do/PRAMain>. These documents are also available on the Federal Reserve Board's public website at <https://www.federalreserve.gov/apps/reportingforms/review> or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 2231.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: Computer-Security Incident Notification.

Collection identifier: FR 2231.

OMB control number: 7100–0384.

General description of collection: A banking organization is required to notify its primary Federal banking regulator of any “computer-security incident” that rises to the level of a “notification incident,” as soon as possible and no later than 36 hours after the banking organization determines that a notification incident has occurred (see 12 CFR 225.301(b)). A bank service provider is required to notify each affected banking organization customer as soon as possible when the bank service provider determines that it has experienced a computer-security incident, that has caused, or is reasonably likely to cause, a material service disruption or degradation for four or more hours.

Frequency: Event generated.

Respondents: U.S. bank holding companies, U.S. savings and loan holding companies, state member banks, U.S. operations of foreign banking organizations, Edge or agreement corporations, and bank service providers.

Total estimated number of respondents: 95.

Total estimated annual burden hours: 285.

Current actions: On December 6, 2024, the Board published a notice in the **Federal Register** (89 FR 96979) requesting public comment for 60 days on the extension, without revision, of the FR 2231. The comment period for this notice expired on February 4, 2025. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, April 23, 2025.

Benjamin W. McDonough,

Deputy Secretary and Ombuds of the Board.

[FR Doc. 2025–07265 Filed 4–25–25; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Application to Become a Savings and Loan Holding Company or to Acquire a Savings Association or Savings and Loan Holding Company (FR LL–10(e); OMB No. 7100–0336).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrahi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghrabi@frb.gov, (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at <https://www.reginfo.gov/public/do/PRAMain>. These documents are also available on the Federal Reserve Board's public website at <https://www.federalreserve.gov/apps/reportingforms/review> or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information

by referencing the collection identifier, FR LL–10(e).

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: Application to Become a Savings and Loan Holding Company or to Acquire a Savings Association or Savings and Loan Holding Company.

Collection identifier: FR LL–10(e).

OMB control number: 7100–0336.

General description of collection: This information collection must be filed in connection with certain proposals involving the formation, acquisition, or merger of a savings and loan holding company (SLHC); the acquisition by an SLHC of a savings association or its assets; and the acquisition of control of a savings association by certain individuals associated with an SLHC. The Board requires the submission of this filing from an applicant for regulatory and supervisory purposes and to allow the Board to fulfill its statutory obligations to review these transactions under section 10(e) of the Home Owners' Loan Act (HOLA) (12 U.S.C. 1461 *et seq.*) and the Board's Regulation LL–*Savings and Loan Holding Companies* (12 CFR 238.11).

Frequency: Event generated.

Respondents: Entities seeking prior approval to become or acquire an SLHC or merge SLHCs; SLHCs seeking to acquire a savings association or all or substantially all of the assets of a savings association or SLHC; and directors or officers of an SLHC, or any individual who owns, controls, or holds the power to vote (or holds proxies representing) more than 25 percent of the voting shares of an SLHC seeking control of any savings association that is not a subsidiary of such SLHC.

Total estimated number of respondents: 7.

Total estimated annual burden hours: 428.

Current actions: On December 6, 2024, the Board published a notice in the **Federal Register** (89 FR 96974) requesting public comment for 60 days on the extension, without revision, of the FR LL–10(e). The comment period for this notice expired on February 4, 2025. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, April 23, 2025.

Benjamin W. McDonough,

Deputy Secretary and Ombuds of the Board.

[FR Doc. 2025–07263 Filed 4–25–25; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM**Proposed Agency Information Collection Activities; Comment Request**

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Recordkeeping Provisions Associated with Guidance on Leveraged Lending (FR 4203; OMB No. 7100–0354).

DATES: Comments must be submitted on or before June 27, 2025.

ADDRESSES: You may submit comments, identified by FR 4203, by any of the following methods:

- *Agency Website:* <https://www.federalreserve.gov/>. Follow the instructions for submitting comments, including attachments. *Preferred method.*
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.
- *Hand Delivery/Courier:* Same as mailing address.
- *Other Means:* publiccomments@frb.gov. You must include the OMB number or the FR number in the subject line of the message.

Comments received are subject to public disclosure. In general, comments received will be made available on the Board's website at <https://www.federalreserve.gov/apps/proposals/> without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would be not appropriate for public disclosure. Public comments may also be viewed electronically or in person in Room M–4365A, 2001 C St. NW, Washington, DC 20551, between 9 a.m. and 5 p.m. during Federal business weekdays.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance

Officer—Nuha Elmaghribi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghribi@frb.gov, (202) 452–3884.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

During the comment period for this proposal, a copy of the proposed PRA OMB submission, including the draft reporting form and instructions, supporting statement (which contains more detail about the information collection and burden estimates than this notice), and other documentation, will be made available on the Board's public website at <https://www.federalreserve.gov/apps/reportingforms/review> or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 4203. Final versions of these documents will be made available at <https://www.reginfo.gov/public/do/PRAMain>, if approved.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

- a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;
- b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;
- c. Ways to enhance the quality, utility, and clarity of the information to be collected;
- d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and
- e. Estimates of capital or startup costs and costs of operation, maintenance,

and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Collection title: Recordkeeping Provisions Associated with Guidance on Leveraged Lending.

Collection identifier: FR 4203.

OMB control number: 7100–0354.

General description of collection: The Interagency Guidance on Leveraged Lending (Guidance) outlines high-level principles related to safe-and-sound leveraged lending activities. The Guidance includes a number of voluntary recordkeeping provisions that apply to financial institutions that are engaged in leveraged lending activities and for which the Board is the primary federal supervisor. It assists the financial institutions in providing leveraged lending to creditworthy borrowers in a safe-and-sound manner so that leveraged lending activities do not heighten risk in the banking system or the broader financial system through the origination and distribution of poorly underwritten and low-quality loans.

Frequency: On occasion.

Respondents: Bank holding companies, savings and loan holding companies, state member banks, Edge and agreement corporations, and state-chartered branches and agencies of foreign banks that engage in leveraged lending activities.

Many community banks are not subject to the Guidance because they do not engage in leveraged lending. To ease implementation burden, the limited number of community and smaller institutions that are involved in leveraged lending activities may discuss with the Federal Reserve System whether and, if so, how to implement these collections of information in a cost-effective manner that is appropriate for the complexity of their exposures and activities.

Total estimated number of respondents: 37.

Total estimated annual burden hours: 18,870.

Board of Governors of the Federal Reserve System, April 23, 2025.

Benjamin W. McDonough,

Deputy Secretary and Ombuds of the Board.

[FR Doc. 2025–07264 Filed 4–25–25; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM**Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB**

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Report of Institution-to-Aggregate Granular Data on Assets and Liabilities on an Immediate Counterparty Basis (FR 2510; OMB No. 7100-0376).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghrabi@frb.gov, (202) 452-3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395-6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at <https://www.reginfo.gov/public/do/PRAMain>. These documents are also available on the Federal Reserve Board's public website at <https://www.federalreserve.gov/apps/reportingforms/review> or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 2510.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: Report of Institution-to-Aggregate Granular Data on Assets

and Liabilities on an Immediate Counterparty Basis.

Collection identifier: FR 2510.

OMB control number: 7100-0376.

General description of collection: The FR 2510 collects granular exposure data on the assets, liabilities, and off-balance sheet holdings of certain large banking organizations, providing breakdowns by country, instrument, currency, maturity, sector, and other factors. The FR 2510 also collects country exposure data on an immediate counterparty basis and detailed information on firms' derivatives exposures. The information collected by the FR 2510 supports the Board's supervision of global systemically important bank holding companies (BHCs) by allowing for a more complete balance sheet analysis of these firms and allows the Board to more closely monitor the systemic impacts of such firms' activities and investments.

Frequency: Quarterly.

Respondents: Any BHC that is organized under the laws of the United States or any U.S. state and that is identified as a global systemically important BHC under the Board's Regulation Q.

Total estimated number of respondents: 8.

Total estimated annual burden hours: 18,528.

Current actions: On December 6, 2024, the Board published a notice in the **Federal Register** (89 FR 96975) requesting public comment for 60 days on the extension, without revision, of the FR 2510. The comment period for this notice expired on February 4, 2025. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, April 23, 2025.

Benjamin W. McDonough,

Deputy Secretary and Ombuds of the Board.

[FR Doc. 2025-07266 Filed 4-25-25; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM**Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB**

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Recordkeeping and Disclosure Requirements Associated with Regulation II (FR II; OMB No. 7100-0349).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, nuha.elmaghrabi@frb.gov, (202) 452-3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395-6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at <https://www.reginfo.gov/public/do/PRAMain>. These documents are also available on the Federal Reserve Board's public website at <https://www.federalreserve.gov/apps/reportingforms/review> or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR II.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: Recordkeeping and Disclosure Requirements Associated with Regulation II.

Collection identifier: FR II.

OMB control number: 7100-0349.

General description of collection: The FR II requires both recordkeeping and disclosure requirements. Certain debit card issuers are required to develop and implement, and at least annually review and update, certain fraud-prevention policies and procedures to be eligible to receive the fraud-prevention adjustment. In addition, the rule requires such a debit card issuer to annually notify its payment card networks that it is eligible to receive the fraud-prevention adjustment, and to notify its payment card networks when

it is no longer eligible to receive the fraud-prevention adjustment. Finally, Regulation II requires all debit card issuers and, in some situations, payment card networks to retain evidence of compliance with the requirements in Regulation II for a prescribed period of time.

Frequency: Annual; Event-generated.

Respondents: Debit card issuers and payment card networks.

Total estimated number of respondents: 534.

Total estimated annual burden hours: 22,251.

Current actions: On January 13, 2025, the Board published a notice in the **Federal Register** (90 FR 2700) requesting public comment for 60 days on the extension, without revision, of the FR II. The comment period for this notice expired on March 14, 2025. The Board received one comment. The comment was in support of the extension of the FII as proposed.

Board of Governors of the Federal Reserve System, April 23, 2025.

Benjamin W. McDonough,

Deputy Secretary and Ombuds of the Board.

[FR Doc. 2025-07267 Filed 4-25-25; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to

remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than May 13, 2025.

A. Federal Reserve Bank of San Francisco (Joseph Cuenca, Assistant Vice President, Formations & Transactions) 101 Market Street, San Francisco, California 94105-1579.

Comments can also be sent electronically to sf.fisc.comments.applications@sf.frb.org:

1. *Darragh Buckley, Bend, Oregon*; to acquire voting shares of Twin City Bancorp, Inc., and thereby indirectly acquire voting shares of Twin City Bank, both of Longview, Washington.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025-07299 Filed 4-25-25; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS-3474-PN]

Medicare and Medicaid Programs: Application From DNV Healthcare, Inc. for Initial CMS-Approval of Its Ambulatory Surgical Center (ASC) Accreditation Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice with request for comment.

SUMMARY: This notice acknowledges the receipt of an application from DNV Healthcare Inc. for initial recognition as a national accrediting organization for Ambulatory Surgical Centers that wish to participate in the Medicare or Medicaid programs.

DATES: To be assured consideration, comments must be received at one of the addresses discussed later in this section, no later than 5 p.m. on May 28, 2025.

ADDRESSES: In commenting, refer to file code CMS-3474-PN. Due to staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>. Follow the "Submit a comment" instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-3474-PN, P.O. Box 8010, Baltimore, MD 21244-8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-3474-PN, Mail Stop C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Joy Webb, (410) 786-1667, or Danielle Adams, (410) 786-8818.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received at <http://www.regulations.gov>. Follow the search instructions on that website to view public comments. The Centers for Medicare & Medicaid Services (CMS) will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

I. Background

Ambulatory Surgical Centers (ASCs) are distinct entities that operate

exclusively for the purpose of furnishing outpatient surgical services to patients. Under the Medicare program, eligible beneficiaries may receive covered services from an ASC provided certain requirements are met. Section 1832(a)(2)(F)(i) of the Social Security Act (the Act) establishes distinct criteria for a facility seeking designation as an ASC. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 416 specify the conditions that an ASC must meet to participate in the Medicare program, the scope of covered services, and the conditions for Medicare payment for ASCs.

Generally, to enter into an agreement, an ASC must first be certified by a state survey agency (SA) as complying with the conditions or requirements set forth in part 416 of our Medicare regulations. Thereafter, the ASC is subject to regular surveys by an SA to determine whether it continues to meet these requirements.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by a Centers for Medicare & Medicaid Services (CMS) approved national accrediting organization (AO) that all applicable Medicare conditions are met or exceeded, we may deem that provider entity as having met the requirements. Accreditation by an AO is voluntary and is not required for Medicare participation.

If an AO is recognized by the Secretary of the Department of Health and Human Services as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program may be deemed to meet the Medicare conditions. The AO applying for approval of its accreditation program under part 488, subpart A, must provide CMS with reasonable assurance that the AO requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of AOs are set forth at §§ 488.4 and 488.5.

This is DNV Healthcare, Inc.'s (DNV's) initial application and does not have a current term of approval for its ASC program.

II. Approval of Deeming Organization

Section 1865(a)(2) of the Act and our regulations at § 488.5 require that our findings concerning review and approval of an AO's requirements

consider, among other factors, the applying AO's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide CMS with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice that identifies the national accrediting body making the request, describes the nature of the request, and provides at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of DNV's request for initial CMS-approval of its ASC accreditation program. This notice also solicits public comment on whether DNV's requirements meet or exceed the Medicare conditions for coverage (CfCs) for ASCs.

III. Evaluation of Deeming Authority Request

DNV submitted all the necessary materials to enable us to make a determination concerning its request for initial CMS-approval of its ASC accreditation program. This application was determined to be complete on March 21, 2025. Under section 1865(a)(2) of the Act and § 488.5, our review and evaluation of DNV will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of DNV's standards for ASCs as compared with Medicare's CfCs for ASCs.
- DNV's survey process to determine the following:
 - ++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.
 - ++ The comparability of DNV's processes to those of State agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

++ DNV's processes and procedures for monitoring an ASC found out of compliance with DNV's program requirements. These monitoring procedures are used only when DNV identifies noncompliance. If noncompliance is identified through validation reviews or complaint

surveys, the State survey agency monitors corrections as specified at § 488.9(c)(1).

++ DNV's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

++ DNV's capacity to provide CMS with electronic data and reports necessary for the effective validation and assessment of the organization's survey process.

++ The adequacy of DNV's staff and other resources, and its financial viability.

++ DNV's capacity to adequately fund required surveys.

++ DNV's policies with respect to whether surveys are announced or unannounced, to ensure that surveys are unannounced.

++ DNV's policies and procedures to avoid conflicts of interest, including the appearance of conflicts of interest, involving individuals who conduct surveys or participate in accreditation decisions.

++ DNV's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as CMS may require (including corrective action plans).

IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

V. Response to Public Comments

Because of the large number of public comments, we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Mehmet Oz, having reviewed and approved this document, authorizes Vanessa Garcia, who is the Federal Register Liaison, to electronically sign

this document for purposes of publication in the **Federal Register**.

Vanessa Garcia,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2025–07247 Filed 4–25–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1838–N]

Medicare Program; Announcement of Request for an Exception From the Prohibition on Expansion of Facility Capacity Under the Hospital Ownership and Rural Provider Exceptions to the Physician Self-Referral Prohibition; Recission

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Rescission of notice with request for comment.

SUMMARY: This document rescinds a notice with request for comment that appeared in the **Federal Register** on February 11, 2025, regarding a request from a hospital with physician ownership for an exception to the physician self-referral law's prohibition against expansion of facility capacity. The purpose of the notice was to solicit comments on the request from individuals and entities in the community in which the hospital is located.

DATES: As of April 28, 2025, the notice with a request for comment that appeared in the **Federal Register** on February 11, 2025, at 90 FR 9343 is rescinded.

ADDRESSES: Comments received on the notice with request for comment can be viewed at <https://www.regulations.gov/search/docket?filter=cms-2025-0016>.

FOR FURTHER INFORMATION CONTACT: *POH-ExceptionRequests@cms.hhs.gov*. Joi Hosley, (410) 786–2194.

SUPPLEMENTARY INFORMATION: On February 11, 2025, we published a notice with request for comment that (1) provided notice that Mountain View Hospital (“Hospital”), a hospital with physician ownership located in Idaho Falls, Idaho, has requested an exception from the prohibition on facility expansion at 42 CFR 411.362(b)(2) (“expansion exception request”); and (2) solicited comments on the expansion exception request from individuals and entities in the community in which

Hospital is located. After the notice with request for comment was published, Hospital withdrew its expansion exception request. Therefore, we are rescinding the February 11, 2025 notice with request for comment.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Mehmet Oz, having reviewed and approved this document, authorizes Vanessa Garcia, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Vanessa Garcia,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2025–07294 Filed 4–25–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10105, CMS–10325 and CMS–10653]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS’ intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency’s functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by May 28, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT:

William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* National Implementation of the In-Center Hemodialysis CAHPS Survey; *Use:* The national implementation of the ICH CAHPS Survey is designed to allow third-party, CMS-approved survey vendors to administer the ICH CAHPS Survey using mail-only, telephone-only, or mixed (mail with telephone follow-up) modes of survey administration. Experience from previous CAHPS surveys shows that mail, telephone, and mail with telephone follow-up data collection modes work well for

respondents, vendors, and health care providers. Any additional forms of information technology, such as web surveys, is under investigation as a potential survey option in this population.

Data collected in the national implementation of the ICH CAHPS Survey are used for the following purposes:

- To provide a source of information from which selected measures can be publicly reported to beneficiaries as a decision aid for dialysis facility selection.
- To aid facilities with their internal quality improvement efforts and external benchmarking with other facilities.
- To provide CMS with information for monitoring and public reporting purposes. To support the ESRD Quality Improvement Program.

Form Number: CMS–10105 (OMB control number: 0938–0926); *Frequency:* Annually; *Affected Public:* Individuals and Households; *Number of Respondents:* 95,000; *Number of Responses:* 95,000; *Total Annual Hours:* 51,300. (For policy questions regarding this collection, contact Lauren Popham at 410–786–8568 or Lauren.popham@cms.hhs.gov.)

2. Type of Information Collection

Request: Extension of a currently approved collection; *Title of Information Collection:* Disclosure and Recordkeeping Requirements for Grandfathered Health Plans under the Affordable Care Act; *Use:* Section 1251 of the Affordable Care Act provides that certain plans and health insurance coverage in existence as of March 23, 2010, known as grandfathered health plans, are not required to comply with certain statutory provisions in the Act. The final regulations titled “Final Rules under the Affordable Care Act for Grandfathered Plans, Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, Dependent Coverage, Appeals, and Patient Protections” (80 FR 72192, November 18, 2015) require that, to maintain its status as a grandfathered health plan, a plan must maintain records documenting the terms of the plan in effect on March 23, 2010, and any other documents that are necessary to verify, explain, or clarify status as a grandfathered health plan. The plan must make such records available for examination upon request by participants, beneficiaries, individual policy subscribers, or a state or federal agency official. A grandfathered health plan is also required to include a statement in any summary of benefits under the plan or health insurance

coverage that the plan or coverage believes it is a grandfathered health plan within the meaning of section 1251 of the Affordable Care Act and provide contact information for questions and complaints. In addition, a grandfathered group health plan that is changing health insurance issuers is required to provide the succeeding health insurance issuer (and the succeeding health insurance issuer must require) documentation of plan terms (including benefits, cost sharing, employer contributions, and annual limits) under the prior health insurance coverage sufficient to make a determination whether the standards of paragraph § 147.140(g)(1) of the 2015 final regulations are exceeded. It is also required that, for an insured group health plan (or a multiemployer plan) that is a grandfathered plan, the relevant policies, certificates, contracts of insurance, or plan documents must disclose in a prominent and effective manner that employers, employee organizations, or plan sponsors, as applicable, are required to notify the issuer (or multiemployer plan) if the contribution rate changes at any point during the plan year. *Form Number:* CMS–10325 (OMB control number: 0938–1093); *Frequency:* On Occasion; *Affected Public:* Private Sector, State, Local or Tribal governments; *Number of Respondents:* 14,603; *Total Annual Responses:* 2,094,506; *Total Annual Hours:* 40. (For policy questions regarding this collection contact Adam Pellillo at 667–290–9621.)

3. Type of Information Collection

Request: Extension of a currently approved collection; *Title of information Collection:* Coverage of Certain Preventive Services Under the Affordable Care Act; *Use:* Section 2713 of the PHS Act requires non-grandfathered group health plans and health insurance issuers offering non-grandfathered group or individual health insurance coverage to provide benefits for certain recommended preventive services without cost sharing, including benefits for certain women’s preventive health services as provided for in comprehensive guidelines supported by the Health Resources and Services Administration (HRSA). The final regulations issued on November 15, 2018, titled “Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act” (83 FR 57536) and “Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act” (83 FR 57592) (2018 final regulations) finalized interim

final rules that expanded exemptions for religious beliefs and established an exemption for moral convictions for certain entities or individuals whose health plans are otherwise subject to the requirement to cover contraceptive services without cost sharing under PHS Act section 2713. The final regulations extended the exemption to health insurance issuers with sincerely held religious or moral objections to contraceptive coverage in certain circumstances, as well as to additional categories of group health plan sponsors.

The 2018 final regulations also left in place, from previous rulemaking, an accommodation process for certain objecting entities that wish to use it to avoid contracting, arranging, paying, or referring for contraceptive coverage, but made use of the accommodation optional for such entities. An organization seeking to be treated as an eligible organization for purposes of the optional accommodation may self-certify (by using EBSA Form 700), prior to the beginning of the first plan year to which an accommodation is to apply, that it meets the definition of an eligible organization. The eligible organization must provide a copy of its self-certification to each health insurance issuer that would otherwise provide such coverage in connection with the health plan (for insured group health plans or student health insurance coverage). The issuer that receives the self-certification must provide separate payments for contraceptive services for plan participants and beneficiaries (or student enrollees and covered dependents). For a self-insured group health plan, the self-certification must be provided to its third party administrator, which must provide or arrange separate payments for contraceptive services. An eligible organization may submit a notification to the Department of Health and Human Services (HHS) as an alternative to submitting EBSA Form 700 to the eligible organization’s health insurance issuer or third party administrator. A health insurance issuer or third party administrator providing or arranging separate payments for contraceptive services for participants and beneficiaries in plans (or student enrollees and covered dependents in student health insurance coverage) of eligible organizations must provide a written notice to such plan participants and beneficiaries (or such student enrollees and covered dependents) informing them of the availability of such payments.

Under the 2018 final regulations, eligible organizations can revoke the

accommodation process if participants and beneficiaries (or student enrollees and covered dependents) receive written notice of such revocation from the issuer or third party administrator, and such revocation will be effective on the first day of the first plan year that begins on or after 30 days after the date of revocation.

The Centers for Medicare & Medicaid Services is requesting an extension of OMB approval for the data collections included in this information collection request. HHS will only implement the information collections to the extent they are consistent with regulations that are in effect. *Form Number:* CMS-10653 (OMB control number: 0938-1344); *Frequency:* Occasionally; *Affected Public:* Private Sector; *Number of Respondents:* 60; *Total Annual Responses:* 595,312; *Total Annual Hours:* 72. (For policy questions regarding this collection contact Russell Tipps at 301-869-3502.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025-07302 Filed 4-25-25; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB #0970-0531]

Proposed Information Collection Activity; Formative Data Collections for ACF Program Support

AGENCY: Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) plans to submit a request to the Office of Management and Budget (OMB) to extend approval of the existing overarching generic clearance for the Formative Data Collections for ACF Program Support. ACF proposes minor updates to supporting statement justification for the overarching generic for clarity.

DATES: Comments due June 27, 2025.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing infocollection@acf.hhs.gov. Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION: In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of this request for an extension of the umbrella generic for Formative Data Collections for ACF Program Support (OMB #0970-0531; expiration date 06/30/2025).

Description: The goals of the generic information collections (GenICs) under this approval are to obtain information about program and grant recipient processes or needs and to inform the following types of activities, among others:

- Delivery of training or technical assistance (T/TA) and/or workflows related to program implementation or the development or refinement of program and grant recipient processes. This could include the development and refinement of recordkeeping or communication systems.
- Planning for provision of programmatic or evaluation-related T/TA.
- Obtaining input on the development of program performance measures (PM) from grant recipients or experts in a relevant field (such as development of PMs for programs focused on a specific population served by ACF).
- Obtaining feedback about processes and/or practices to inform ACF program development or support, or ACF research.
- Use of rapid-cycle testing activities to strengthen programs in preparation for summative evaluations.
- Development of learning agendas and research priorities.
- Requesting information about resources, programs, or other ACF services or related activities to provide consolidated public sources of information for those using or interested in ACF funded services, or those interested in systems, programs, or research related to ACF.

ACF uses a variety of techniques such as semi-structured discussions, focus groups, surveys, templates, open-ended requests, document analysis, observation, and telephone or in-person interviews in order to reach these goals.

Information collected under this overarching generic is meant to inform ACF activities and may be incorporated into documents or presentations that are made public such as through conference presentations, websites, or social media. The following are some examples of ways in which we may share information resulting from these data collections: technical assistance plans,

presentations, infographics, project specific reports, or other documents relevant to the field, such as federal leadership and staff, grant recipients, local implementing agencies, and/or T/TA providers. We may also request information for the sole purpose of publication in cases where we are working to create a single source for users (clients, programs, researchers) to find information about resources such as services in their area, TA materials, different types of programs or systems available, or research using ACF data.

Any planned uses, including for publication or sharing of information from this IC will be described and submitted for approval in each individual GenIC.

Following standard OMB requirements, ACF will submit GenIC request for each specific data collection activity under this generic clearance. Each request will include the individual instrument(s), a justification specific to the individual information collection, and any supplementary documents. ACF asks that OMB review individual requests expeditiously, ideally within 10 days of submission.

The proposed types and the purpose of generic information collections submitted under this umbrella generic remain the same. Minor revisions are proposed to the description provided in the justification for clarification about purpose and use and in alignment with current priorities of ACF.

Respondents: Example respondents include current or prospective service providers, T/TA providers, grant recipients, contractors, current and potential participants in ACF programs or similar comparison groups, experts in fields pertaining to ACF programs, key groups involved in ACF projects and programs, individuals engaged in program re-design or demonstration development for evaluation, state or local government officials, or others involved in or prospectively involved in ACF programs whose engagement could directly inform the improvement of ACF programs.

Annual Burden Estimates

ACF anticipates extending approval for about 30 of the currently approved GenICs under this generic. Currently approved GenICs can be found here: https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202412-0970-005.

Burden estimates for the following 3 years are provided in the following table.

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Avg. burden per response (in hours)	Total burden (in hours)
Semi-Structured Discussions and Focus Groups	10,000	1	2	20,000
Interviews	4,500	1	1	4,500
Questionnaires/Surveys	8,000	1.5	.5	6,000
Estimated Total Annual Burden Hours				30,500

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025-07079 Filed 4-25-25; 8:45 am]

BILLING CODE 4184-88-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Cancellation of Meeting

Notice is hereby given of the cancellation of the National Cancer Institute Special Emphasis Panel FFRDC Review Meeting, May 9, 2025, 9:00 a.m. to May 9, 2025, 6:00 p.m., National Cancer Institute, West Tower, 9609 Medical Center Dr., Rockville, MD 20850 which was published in the **Federal Register** on April 17, 2025, FR Doc. 2025-06556, 90 FR 16137.

This meeting has been canceled and will not be rescheduled.

Dated: April 22, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-07208 Filed 4-25-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Clinical Translational Imaging Science Study Section.

Date: June 12-13, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Eleni Apostolos Liapi, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 867-5309, eleni.liapi@nih.gov.

Name of Committee: Applied Therapeutics for Cancer Integrated Review Group; Mechanisms of Cancer Therapeutics A Study Section.

Date: June 16-17, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Careen K Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435-3504, tothct@csr.nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Bioengineering, Technology and Surgical Sciences Study Section.

Date: June 16-17, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Khalid Masood, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, 301-435-2392, masoodk@csr.nih.gov.

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Enabling Bioanalytical and Imaging Technologies Study Section.

Date: June 17-18, 2025.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Kenneth Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3218, MSC 7717, Bethesda, MD 20892, 301-435-0229, kenneth.ryan@nih.hhs.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 22, 2025.

Sterlyn H Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-07227 Filed 4-25-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Diabetes and Digestive and Kidney Diseases; Amended Notice of Meeting**

Notice is hereby given of a change in the meeting of the National Diabetes and Digestive and Kidney Diseases Advisory Council, May 14, 2025, 08:30 a.m. to May 15, 2025, 04:00 p.m., National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD 20892 which was published in the **Federal Register** on December 30, 2024, 89 FR 106541.

This amendment is to change the format from in person to virtual; the time is being changed from 8:30 a.m.–4:00 p.m. to 10:00 a.m.–1:45 p.m. The meeting is partially Closed to the public.

Dated: April 22, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–07209 Filed 4–25–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Center for Complementary & Integrative Health; Notice of Meeting**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council for Complementary and Integrative Health.

The meeting will be held as a virtual meeting and will be open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, to view the meeting, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed at the following NIH Videocast URL link <https://videocast.nih.gov>.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Complementary and Integrative Health.

Date: July 1, 2025.

Closed: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, DEM 2, Suite 401, 6707 Democracy Boulevard, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Open: 12:30 p.m. to 5:00 p.m.

Agenda: Reports and Updates about Recent and Ongoing NCCIH Led or Involved Activities by NCCIH staff and its Director.

Place: National Institutes of Health, DEM 2, Suite 401, 6707 Democracy Boulevard, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Martina Schmidt, Ph.D., Director, Division of Extramural Activities, National Center for Complementary & Integrative Health, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, (301) 594–3456, schmidma@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should be less than 700 words in length, and should include the name, email address, telephone number and when applicable, the business or professional affiliation of the interested person. Any member of the public may submit written comments no later than June 17th, 2025 (14 days before the Council meeting).

Information is also available on the Institute's/Center's home page: <https://nccih.nih.gov/about/naccih>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: April 22, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–07231 Filed 4–25–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****Center for Scientific Review; Notice of Closed Meetings**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose

confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Infectious Disease Vaccine Development.

Date: May 29, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Alicia Mariel Jais, Ph.D., Scientific Review Officer, SRB, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892, (301) 594–2614, mariel.jais@nih.gov.

Name of Committee: Vascular and Hematology Integrated Review Group; Basic Biology of Blood, Heart and Vasculature Study Section.

Date: June 26–27, 2025.

Time: 8:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Aisha Lanette Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3527, aisha.walker@nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Imaging Technology Development Study Section.

Date: June 26–27, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Guo Feng Xu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, (301) 237–9870, xuguofen@csr.nih.gov.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biodata Management and Analysis Study Section.

Date: June 26–27, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: E. Bryan Crenshaw, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-7129, bryan.crenshaw@nih.gov.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Cellular and Molecular Biology of Glia Study Section.

Date: June 26-27, 2025.

Time: 9:00 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Sung-Wook Jang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812P, Bethesda, MD 20892, (301) 435-1042, jangs2@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 22, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-07206 Filed 4-25-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: The NCI Transition and Community Oncology Career Development Awards, Institutional Research Training, Research Education Grants.

Date: May 21, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Amy L. Rubinstein, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7844, Bethesda, MD 20892, 301-408-9754, rubinstein@csr.nih.gov.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Oral, Dental and Craniofacial Sciences Study Section.

Date: June 3-4, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Yi-Hsin Liu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, (301) 435-1781, liuyh@csr.nih.gov.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Muscle and Exercise Physiology Study Section.

Date: June 5-6, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Carmen Bertoni, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 805B, Bethesda, MD 20892, (301) 867-5309, bertonic2@csr.nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Imaging Probes and Contrast Agents Study Section.

Date: June 10-11, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Krystyna H. Szymczyk, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-4198, szymczyk@csr.nih.gov.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Digestive and Nutrient Physiology and Diseases Study Section.

Date: June 12-13, 2025.

Time: 8:30 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Aster Juan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301-435-5000, juana2@mail.nih.gov.

Name of Committee: Vascular and Hematology Integrated Review Group; Hemostasis, Thrombosis, Blood Cells and Transfusion Study Section.

Date: July 1-2, 2025.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Vivian Tang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-6208, tangvw@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 22, 2025.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-07229 Filed 4-25-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Scientific & Technical Review Board on Biomedical & Behavioral Research Facilities.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Scientific & Technical Review Board on Biomedical & Behavioral Research Facilities.

Date: May 29, 2025.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Video Assisted Meeting.

Contact Person: Santanu Banerjee, Scientific Review Officer (SRO), Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, (RK2)/808-M, Bethesda, MD 20892, (301) 435-5947, santanu.banerjee@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: April 22, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-07228 Filed 4-25-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cardiovascular and Surgical Devices.

Date: June 24–25, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Willard Wilson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD

20817, 301-867-5309, email: willard.wilson@nih.gov.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biomaterials and Biointerfaces Study Section.

Date: June 24–25, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jennifer Fiori O'Connell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (410) 454-8478, email: jennifer.oconnell@nih.gov.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Pulmonary Injury, Repair, and Remodeling Study Section (PIRR).

Date: June 26–27, 2025.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 804 G, Bethesda, MD 20892, (240) 498-7546, email: diramig@csr.nih.gov.

Name of Committee: Applied Therapeutics for Cancer Integrated Review Group; Mechanisms of Cancer Therapeutics C Study Section.

Date: June 26–27, 2025.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Gloria Huei-Ting Su, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-496-0465, gloria.su@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 22, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-07205 Filed 4-25-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Cell Biology Integrated Review Group; Cellular Mechanisms in Aging and Development Study Section.

Date: June 26–27, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Tami Jo Kingsbury, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 710Q, Bethesda, MD 20892, (410) 274-1352, tami.kingsbury@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Radiation Biology and Radiation Therapy.

Date: June 26–27, 2025.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jennifer Ann Sanders, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496-3553, jennifer.sanders@nih.gov.

Name of Committee: Cell Biology Integrated Review Group; Maximizing Investigators' Research Award—D Study Section.

Date: June 26–27, 2025.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Anne Marie Strohecker, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (202) 924–4186, stroheckeram@csr.nih.gov.

Name of Committee: Cell Biology Integrated Review Group; Cellular Signaling and Regulatory Systems Study Section.

Date: June 26–27, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: David Balasundaram, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5189, MSC 7840, Bethesda, MD 20892, 301–435–1022, balasundaramd@csr.nih.gov.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Adaptive Immunity Study Section.

Date: June 26–27, 2025.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Liying Guo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, (301) 827–7728, lguo@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 22, 2025.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–07230 Filed 4–25–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Implementation of Additional Duties on Products of the People's Republic of China Pursuant to the President's Executive Order 14256, Further Amendment to Duties Addressing the Synthetic Opioid Supply Chain in the People's Republic of China As Applied to Low-Value Imports

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: Amended notice.

SUMMARY: In order to effectuate the President's Executive Order 14256 of April 2, 2025, “*Further Amendment to Duties Addressing the Synthetic Opioid Supply Chain in the People's Republic of China As Applied to Low-Value Imports*,” which eliminates the *de minimis* exemption for products of the People's Republic of China (PRC) (which include products of Hong Kong) and establishes a new duty rate for international postal packages sent to the United States through the international postal network from the PRC or Hong Kong, as amended by Executive Order 14259 of April 8, 2025, “*Amendment to Reciprocal Tariffs and Updated Duties As Applied to Low-Value Imports from the People's Republic of China*,” and Executive Order 14266 of April 9, 2025, “*Modifying Reciprocal Tariff Rates to Reflect Trading Partner Retaliation and Alignment*,” the Secretary of Homeland Security has determined that appropriate action is needed to ensure collection of applicable duties as well as to modify the Harmonized Tariff Schedule of the United States (HTSUS) as set out in the Annex to this notice.

DATES: The amendments with respect to articles other than those sent to the United States through the international postal network, as set out in the Annex to this document, are effective with respect to products of the PRC (which include products of Hong Kong) described in Section 2(a) of Executive Order 14195 and subject to Executive Order 14256, as amended, that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on May 2, 2025. With respect to postal items containing goods described in Section 2(a) of Executive Order 14195 and subject to Executive Order 14256, as amended, sent through the international postal network from the PRC or Hong Kong, the duties set out in the Annex to this document are effective for such articles that are entered for consumption on or after 12:01 a.m. eastern daylight time on May 2, 2025, or June 1, 2025, as applicable.

FOR FURTHER INFORMATION CONTACT: Brandon Lord, Executive Director, Trade Policy and Programs, Office of Trade, U.S. Customs and Border Protection, (202) 325–6432 or by email at traderemedy@cbp.dhs.gov. C. Shane Campbell, Acting Executive Director, Cargo and Conveyance Security, Office of Field Operations, U.S. Customs and Border Protection, (202) 344–3401 or by email at traderemedy@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION: On January 20, 2025, the President declared a national emergency with respect to the

grave threat to the United States posed by the influx of illegal aliens and drugs into the United States, in Proclamation 10886 (Declaring a National Emergency at the Southern Border of the United States) (90 FR 8327, January 29, 2025). See National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA).

On February 1, 2025, the President expanded the scope of the national emergency declared in that proclamation to cover the failure of the People's Republic of China (PRC) government to arrest, seize, detain, or otherwise intercept chemical precursor suppliers, money launderers, other transnational criminal organizations, criminals at large, and drugs. In addition, the President determined that this failure to act on the part of the PRC constitutes an unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, and economy of the United States. To address this threat, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the NEA, section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), and 3 U.S.C. 301, the President imposed *ad valorem* tariffs on all imports that are products of the PRC, excluding those encompassed by 50 U.S.C. 1702(b).¹ See Executive Order 14195, *Imposing Duties To Address the Synthetic Opioid Supply Chain in the People's Republic of China* (February 1, 2025). Specifically, Executive Order 14195 adjusted duties on imported products of the PRC by imposing, consistent with law, an additional 10 percent *ad valorem* rate of duty, on products entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 4, 2025.

¹ 50 U.S.C. 1702(b)(1) covers “postal, telegraphic, telephonic, or other personal communication[s], which do[] not involve a transfer of anything of value,” and hence does not encompass any imported articles of merchandise. 50 U.S.C. 1702(b)(4) covers “transactions ordinarily incident to travel to or from any country, including [1] importation of accompanied baggage for personal use, [2] maintenance within any country including payment of living expenses and acquisition of goods or services for personal use, and [3] arrangement or facilitation of such travel including nonscheduled air, sea, or land voyages.” Only the first of the three categories of exceptions covered by 50 U.S.C. 1702(b)(4)—products for personal use included in accompanied baggage of persons arriving in the United States—encompasses imported articles of merchandise, and such articles are excluded from the scope of the additional *ad valorem* duties provided for in new HTSUS headings 9903.01.20 and 9903.01.24 by the terms of those headings and U.S. note 2(u).

Section 2(g) of Executive Order 14195 contemplated that duty-free *de minimis* treatment under 19 U.S.C. 1321 was no longer available as of the effective time of that order. Subsequently, on February 5, 2025, the President amended Section 2(g) of Executive Order 14195, to suspend enforcement of Section 2(g) of Executive Order 14195 until notification by the Secretary of Commerce to the President that adequate systems were in place to fully and expediently process and collect applicable tariff revenue pursuant to Section 2(a) of Executive Order 14195 for covered articles otherwise eligible for *de minimis* treatment. See Executive Order 14200, *Amendment to Duties Addressing the Synthetic Opioid Supply Chain in the People's Republic of China* (February 5, 2025).

Executive Order 14195, as amended by Executive Order 14200, was further modified by Executive Order 14228, “*Further Amendment to Duties Addressing the Synthetic Opioid Supply Chain in the People's Republic of China*.” See Executive Order 14228 of March 3, 2025. Executive Order 14228 increased the additional *ad valorem* tariff rate from 10 percent to 20 percent for covered products of the PRC (which include products of Hong Kong),² that were entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on March 4, 2025.

On April 2, 2025, the President issued Executive Order 14256, “*Further Amendment to Duties Addressing the Synthetic Opioid Supply Chain in the People's Republic of China As Applied to Low-Value Imports*,” which states that the Secretary of Commerce has notified the President that adequate systems are now in place to process and collect tariff revenue for covered goods from the PRC otherwise eligible for duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C). Accordingly, Executive Order 14256 eliminates such duty-free *de minimis* treatment for products of the PRC (which include products of Hong Kong) for all covered products—among such covered products are international postal packages sent to the United States through the international postal network from the PRC or Hong Kong. On April 8, 2025, the President issued Executive Order 14259, “*Amendment to Reciprocal Tariffs and Updated Duties as Applied to Low-Value Imports from the People's Republic of China*,” increasing the rates of duty set forth in Section 2(c) of Executive Order 14256 to

ensure that the imposition of other tariffs imposed pursuant to Executive Order 14259 were not circumvented and the action contemplated by Executive Order 14259 was not undermined. Subsequently, on April 9, 2025, to similarly ensure against the circumvention of tariffs and undermining of actions set forth therein, the President issued Executive Order 14266, “*Modifying Reciprocal Tariff Rates to Reflect Trading Partner Retaliation and Alignment*,” further increasing the rates of duty set forth in Section 2(c) of Executive Order 14256.

Consistent with Executive Order 14256, duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C) shall no longer be available for products of the PRC described in Section 2(a) of Executive Order 14195, that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on May 2, 2025. Thus, such articles valued at or under \$800, and that would otherwise qualify for the *de minimis* exemption, that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on May 2, 2025, other than articles sent to the United States through the international postal network, must be entered under an appropriate entry type (e.g., Type 01 or 11) in U.S. Customs and Border Protection's (CBP) Automated Commercial Environment (ACE), by a party qualified to make entry in accordance with applicable regulations. All applicable duties, including those imposed by Section 2(a) of Executive Order 14195, as amended by Executive Orders 14200, 14228 and 14256, must be paid in accordance with the applicable entry and payment procedures. Shipments valued at or under \$800 that would otherwise be ineligible for the *de minimis* exemption, such as shipments of merchandise subject to antidumping or countervailing duties or quota, must continue to be entered under an appropriate entry type in ACE consistent with all applicable requirements.

Pursuant to Executive Order 14256, as amended by Executive Orders 14259 and 14266, all postal items containing goods described in Section 2(a) of Executive Order 14195 and sent to the United States through the international postal network from the PRC or Hong Kong and transported by carriers, which are valued at or under \$800 and would otherwise qualify for the *de minimis* exemption, shall be subject to one of the following two duty rates as elected by the carrier:

1. *Ad Valorem* Duty: An *ad valorem* duty of 120 percent of the value of the postal item containing goods, entered for consumption on or after 12:01 a.m. eastern daylight time on May 2, 2025; or,

2. *Specific Duty*: A specific duty of \$100 per postal item containing goods, entered for consumption on or after 12:01 a.m. eastern daylight time on May 2, 2025, and before 12:01 a.m. eastern daylight time on June 1, 2025. For merchandise entered for consumption on or after 12:01 a.m. eastern daylight time on June 1, 2025, the applicable specific duty is \$200 per postal item containing goods.

All carriers delivering international mail shipments to the United States from the PRC or Hong Kong must collect and remit either the *ad valorem* or the specific duty. Carriers must apply the same duty collection methodology to all shipments they deliver, but may change their duty collection methodology once a month or on such other periodic time frame as CBP determines is appropriate, upon providing 24 hours advance notice to CBP. Carriers must remit to CBP the duties collected pursuant to Sections 2(b) and 2(c) of Executive Order 14256 on a monthly basis or on such other periodic time frame as CBP determines is appropriate. CBP will provide separate guidance instructing carriers on how to remit payments.

Pursuant to Section 2(d) of Executive Order 14256, any carrier that transports international postal items containing goods to the United States from the PRC or Hong Kong, by any mode of transportation, must have an international carrier bond to ensure that the duties are remitted in accordance with Sections 2(b) and 2(c) of Executive Order 14256. CBP is authorized to ensure that the international carrier bonds are sufficient to account for the duties the carrier is obligated to remit.

The duty collected by a carrier pursuant to Sections 2(b) and 2(c) of Executive Order 14256 will be collected in lieu of any other duties to which such shipments from the PRC or Hong Kong would otherwise be subject, including: the 20 percent *ad valorem* duty established in Executive Order 14195, as amended by Executive Orders 14200 and 14228; most-favored nation rates established in the HTSUS; and duties imposed pursuant to section 301 of the Trade Act of 1974. All such international postal items containing goods from the PRC or Hong Kong that would otherwise qualify for the *de minimis* exemption will be passed free of any other duties by CBP and without preparation of a mail entry by CBP. However, CBP may require formal entry,

² Executive Order 13936 on Hong Kong Normalization (see 85 FR 43413 (July 14, 2020)).

in accordance with existing regulations, for any international postal package that may otherwise be subject to the duty rates in Sections 2(b) and 2(c) of Executive Order 14256. An international postal package for which CBP requires formal entry will not be subject to the duty rates in Sections 2(b) and 2(c) of Executive Order 14256, as amended by Executive Orders 14259 and 14266, and instead will be subject to all applicable duties, taxes, and fees in accordance with all applicable laws.

To ensure that the duty required by Sections 2(b) and 2(c) of Executive Order 14256, as amended by Executive Orders 14259 and 14266, is properly accounted for and collected, all carriers that transport international postal packages from the PRC or Hong Kong to the United States as part of or on behalf of the international postal network must report to CBP the total number of postal items containing goods, and, if electing the 120 percent *ad valorem* duty rate specified in Section 2(c)(i) of Executive Order 14256, as amended by Executive Orders 14259 and 14266, the value of each postal item containing goods, transported per conveyance, in a time frame and manner that will be prescribed by CBP. CBP may require submission of documentation and information from the carrier to verify the total number and value of individual postal items containing goods to be electronically transmitted through ACE.

The Secretary of Homeland Security has determined that appropriate action is needed to modify the HTSUS as set out in the Annex to this notice.

The Annex to this notice modifies the HTSUS to reflect that products of the PRC and Hong Kong are not eligible for duty-free *de minimis* treatment under 19 U.S.C. 1321(a)(2)(C). All shipments of articles to the United States described in Section 2(a) of Executive Order 14195, as amended by Executive Orders 14200 and 14228, that are products of the PRC or Hong Kong valued at or under \$800, that would otherwise qualify for the *de minimis* exemption at 19 U.S.C. 1321(a)(2)(C), and that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on May 2, 2025, other than articles sent to the United States through the international postal network, must be entered under an appropriate entry type in ACE. Effective 12:01 a.m. eastern daylight time on May 2, 2025, articles sent to the United States through the international postal network that are shipped from the PRC or Hong Kong, which are valued at \$800 or less, shall be subject to:

1. An *ad valorem* duty of 120 percent of the value of the postal item containing goods, entered for consumption on or after 12:01 a.m. eastern daylight time on May 2, 2025; or,

2. A specific duty of \$100 per postal item containing goods, entered for consumption on or after 12:01 a.m. eastern daylight time on May 2, 2025, and before 12:01 a.m. eastern daylight time on June 1, 2025. For merchandise entered for consumption on or after 12:01 a.m. eastern daylight time on June 1, 2025, the applicable specific duty rate is \$200 per postal item containing goods.

Pursuant to Executive Order 14195, no drawback is available for any article subject to a duty pursuant to Executive Order 14256. All CBP regulatory provisions that are not consistent with, or that otherwise impede CBP's ability to effectuate, the directives in Executive Order 14256, as amended by Executive Orders 14259 and 14266 and implemented in this notice, are temporarily suspended or amended, as applicable, pursuant to the authorization in Executive Order 14256 permitting CBP to take all necessary actions to effectuate the objectives of that order. The regulations that are hereby temporarily suspended, until further notice, pursuant to this authorization include, but may not be limited to: 19 CFR 145.12(b) (pertaining to CBP's preparation of informal mail entry); 19 CFR 145.31 (pertaining to mail importations not over \$800 in value); the parenthetical exception clause in 19 CFR 143.21(a) (pertaining to articles valued in excess of \$250 classified in Chapter 99, Subchapters III and IV, HTSUS); and any provision of CBP regulations, other than with respect to mail, that permits filers to file entries with CBP, for articles valued at or under \$800 and that would otherwise qualify for the *de minimis* exemption authorized in 19 U.S.C. 1321(a)(2)(C), other than through ACE.

Kristi Noem,
Secretary.

Annex

To Modify Chapter 99 of the Harmonized Tariff Schedule of the United States

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on May 2, 2025, subchapter III of chapter 99 of the HTSUS is modified:

1. by inserting the following new subdivision (w) to U.S. note 2 in numerical sequence:

“Products of China and Hong Kong are not eligible for the administrative exemption from duty and certain taxes at 19 U.S.C. 1321(a)(2)(C)-known as the “*de minimis*” exemption.

Products shipped from China or Hong Kong to the United States through the international postal network that are valued at or under \$800 and that would otherwise qualify for the *de minimis* exemption authorized at 19 U.S.C. 1321(a)(2)(C) shall be subject to either: (i) an *ad valorem* duty of 120 percent of the value of the postal item containing goods, for merchandise entered for consumption on or after 12:01 a.m. eastern daylight time on May 2, 2025; or (ii) a specific duty of \$100 per postal item containing goods entered for consumption on or after 12:01 a.m. eastern daylight time on May 2, 2025, and before 12:01 a.m. eastern daylight time on June 1, 2025. For merchandise entered for consumption on or after 12:01 a.m. eastern daylight time on June 1, 2025, the applicable specific duty rate is \$200 per postal item containing such goods. This duty is in lieu of any other duties to which such products shipped from China and Hong Kong would otherwise be subject. This duty does not apply to products described in headings 9903.01.21 or 9903.01.22.”

2. By modifying U.S. note 2(u) by deleting the last paragraph and inserting “Products of China and Hong Kong are not eligible for the administrative exemption from duty and certain taxes at 19 U.S.C. 1321(a)(2)(C)-known as “*de minimis*” exemption.” in lieu thereof.

3. By amending the article description of heading 9903.01.24 by deleting “described in headings 9903.01.21, 9903.01.22, or 9903.01.23” and inserting “described in headings 9903.01.21, 9903.01.22, 9903.01.23, or U.S. note 2(w) to this subchapter” in lieu thereof.

4. By modifying the article description of heading 9903.01.63 by deleting “except for goods loaded onto a vessel at the port of loading and in transit on the final mode of transit before 12:01 a.m. eastern daylight time on April 10, 2025, except for products described in headings 9903.01.28–9903.01.33, and except as provided for in heading 9903.01.34, articles the product of China, including Hong Kong and Macau, as provided for in subdivision (v) of U.S. note 2 to this subchapter” and inserting “except for goods loaded onto a vessel at the port of loading and in transit on the final mode of transit before 12:01 a.m. eastern daylight time on April 10, 2025, except for products described in headings 9903.01.28–9903.01.33, except as provided for in heading 9903.01.34, and except as provided for in U.S. note 2(w), articles the product of China, including Hong Kong and Macau, as provided for in subdivision (v) of U.S. note 2 to this subchapter.”

[FR Doc. 2025–07325 Filed 4–24–25; 11:45 am]

BILLING CODE 9111–14–P

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. FR-7104-N-06]

**60-Day Notice of Proposed Information
Collection: Indian Housing Block
Grants (IHBG) Program Reporting;
OMB Control No.: 2577-0218****AGENCY:** Office of the Assistant
Secretary for Public and Indian Housing
(PIH), HUD.**ACTION:** Notice.**SUMMARY:** HUD is seeking approval from
the Office of Management and Budget
(OMB) for the information collection
described below. In accordance with the
Paperwork Reduction Act, HUD is
requesting comments from all interested
parties on the proposed collection of
information. The purpose of this notice
is to allow for 60 days of public
comment.**DATES:** Comments are due: June 27,
2025.**ADDRESSES:** Interested persons are
invited to submit comments regarding
this proposal. Written comments and
recommendations for the proposed
information collection can be posted
within 60 days of publication of this
notice on www.regulations.gov by
searching the Docket Number of this
notice and following the prompts.
Interested persons are also invited to
submit comments and recommendations
regarding via post. Comments and
recommendations should be postmarked
within 60 days of the publication of this
notice, refer to the proposal by name
and/or OMB Approval Number (located
at the top of this notice), and be sent to:
Leea Thornton, Department of Housing
and Urban Development, 451 7th Street
SW, Room 3178, Washington, DC 20410.**FOR FURTHER INFORMATION CONTACT:** Leea
Thornton, Department of Housing and
Urban Development, 451 7th Street SW,
Room 3178, Washington, DC 20410;
email address leea.j.thornton@hud.gov,
telephone number 202-402-6455. This
is not a toll-free number. HUD
welcomes and is prepared to receive
calls from individuals who are deaf or
hard of hearing, as well as individuals
with speech or communication
disabilities. To learn more about how to
make an accessible telephone call,
please visit [https://www.fcc.gov/
consumers/guides/telecommunications-
relay-service-trs](https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs).Copies of available documents
submitted to OMB may be obtained
from Ms. Guido.**SUPPLEMENTARY INFORMATION:** This
notice informs the public that HUD is
seeking approval from OMB for the
information collection described in
Section A.**A. Overview of Information Collection***Title of Information Collection:* Indian
Housing Block Grants (IHBG) Formula
and Competitive Programs.*OMB Approval Number:* 2577-0218.*Type of Request:* Revision or
extension of currently approved
collection.*Form Number:* HUD-4117, HUD-4117
A-D, HUD-4119, HUD-4119 A-D,
HUD-52736-A, HUD-52736-B, HUD-
52737 IHP-APR, HUD-52737 GEMS
IHP/APR, HUD-53248 IHBG-COMP
APR.*Description of the need for the
information and proposed use:* HUD's
Office of Native American Programs
(ONAP) will use the pre-award and
post-award information collected to
assess program compliance, monitor
grantee performance throughout the
grant term, and to report annually to
Congress. HUD's Office of NativeAmerican Programs (ONAP) is
responsible for managing the IHBG
Formula and IHBG Competitive
programs, as described below.*IHBG Formula Program:* The Native
American Housing Assistance and Self-
Determination Reauthorization Act of
1996 (25 U.S.C. 4101 *et seq.*)
(NAHASDA) authorizes the IHBG
Formula program what supports the
development, management, and
operation of affordable homeownership
and rental housing; infrastructure
development; and other forms of
housing assistance intended for low-
income persons. Federally recognized
Native American tribes, Alaska Native
villages, tribally designated housing
entities, and a limited number of State-
recognized tribes that were funded
under the Indian Housing Program
authorized by the U.S. Housing Act of
1937 are eligible to receive IHBG funds.
Under the IHBG Formula Program,
eligible recipients receive an equitable
share of funds as appropriated by
Congress.*IHBG Competitive Program:* Since
2018, Congress has appropriated
additional funding under the IHBG
Formula program for the IHBG
Competitive Grant (IHBG-COMP), also
under assistance listing 14.867. IHBG-
COMP prioritizes projects that increase
the availability of affordable housing in
Tribal communities with consideration
to extent of need and administrative
capacity. The regulations and
requirements governing the IHBG
formula program apply to the IHBG
Competitive program. The IHBG-COMP
Notices of Funding Opportunities
(NOFO) are published on Grants.gov,
where applicants submit applications.*Annual Reporting Burden:* The annual
reporting burden hours are based on the
estimates provided below.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
SF-424	0	0	0	0	0	0	0
SF-424D	0	0	0	0	0	0	0
SF-425	0	0	0	0	0	0	0
HUD-2880	0	0	0	0	0	0	0
HUD-4117	792	1	792	2	1,584	\$43.10	\$68,270.40
HUD 4117 Appendix A	15	1	15	2	30	43.10	1,293.00
HUD 4117 Appendix B	15	1	15	2	30	43.10	1,293.00
HUD 4117 Appendix C	15	1	15	2	30	43.10	1,293.00
HUD 4117 Appendix D	15	1	15	2	30	43.10	1,293.00
HUD-4119	15	1	15	150	2,250	43.10	96,975.00
HUD-4119 Appendix A	15	1	15	2	30	43.10	1,293.00
HUD-4119 Appendix B	15	1	15	10	150	43.10	6,465.00
HUD-4119 Appendix C	15	1	15	15	225	43.10	9,697.50
HUD-4119 Appendix D	15	1	15	2	30	43.10	1,293.00
HUD-4123	120	1	120	2	240	43.10	10,344.00
HUD-4125	120	1	120	2	240	43.10	10,344.00
HUD-52736-A	15	1	15	0.25	3.75	43.10	161.63
HUD-52736-B	15	1	15	0.25	3.75	43.10	161.63

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD-52737 IHP-APR	773	2	1584	62	95,852	43.10	4,131,221.20
HUD-52737 GEMS IHP/APR	19	2	38	62	2,356	43.10	101,543.60
HUD-53248 IHBG-COMP APR	30	1	30	32	960	43.10	41,376.00
Totals	2,019	19	2,849	350	104,045	43.10	4,484,317.95

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Sylvia Whitlock,

Acting Chief, Office of Policy, Program and Legislative Initiatives.

[FR Doc. 2025-07250 Filed 4-25-25; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAKC001030/
A0A501010.999900]

HEARTH Act Approval of Squaxin Island Tribe of the Squaxin Island Reservation, Amended Leasing Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Assistant Secretary—Indian Affairs approved the Squaxin Island Tribe of the Squaxin Island Reservation, Amended Leasing Ordinance under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH

Act). With this approval, the Tribe is authorized to enter into agriculture, business, residential, wind and solar, wind energy evaluation, public, religious, educational, cultural, and recreational leases without further Secretary of the Interior approval.

DATES: The Assistant Secretary—Indian Affairs issued the approval on April 17, 2025.

FOR FURTHER INFORMATION CONTACT: Ms. Carla Clark, Bureau of Indian Affairs, Division of Real Estate Services, 1001 Indian School Road NW, Albuquerque, NM 87104, carla.clark@bia.gov, (702) 484-3233.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious, or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Squaxin Island Tribe of the Squaxin Island Reservation.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal Government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447-48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal Government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation v. Thurston County*, 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe v. Jones*, 411 U.S. 145 (1973)). Similarly, section 5108 preempts State taxation of rent payments by a lessee for leased trust lands, because "tax on the payment of rent is indistinguishable from an impermissible tax on the land." *See Seminole Tribe of Florida v. Stranburg*, 799 F.3d 1324, 1331, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of "traditional notions of Indian self-government," requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker*

analysis from the preamble to the surface leasing regulations, 77 FR at 72447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to "allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities." 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes "flexibility to adapt lease terms to suit [their] business and cultural needs" and to "enable [Tribes] to approve leases quickly and efficiently." H. Rep. 112–427 at 6 (2012).

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan v. Bay Mills Indian Community*, 572 U.S. 782, 810 (2014) (Sotomayor, J., concurring) (determining that "[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding"). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 810–11 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal Government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental

review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to 25 CFR part 162.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or 25 CFR part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Squaxin Island Tribe of the Squaxin Island Reservation.

Scott J. Davis,

*Senior Advisor to the Secretary of the Interior
Exercising the delegated authority of the
Assistant Secretary—Indian Affairs.*

[FR Doc. 2025–07235 Filed 4–25–25; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

**[256A2100DD/AAKP300000/
AOA501010.000000; OMB Control Number
1076–0183]**

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Secretarial Elections

AGENCY: Bureau of Indian Affairs,
Interior.

ACTION: Notice of information collection;
request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 28, 2025.

ADDRESSES: Submit written comments and recommendations for the proposed information collection request (ICR) to the Office of Information and Regulatory Affairs (OIRA) through https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202405-1076-021 or by visiting <https://www.reginfo.gov/public/do/PRAMain> and selecting "Currently under Review—Open for Public

Comments" and then scrolling down to the "Department of the Interior."

FOR FURTHER INFORMATION CONTACT:

Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; comments@bia.gov; (202) 924–2650. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. You may also view the ICR at <https://www.reginfo.gov/public/Forward?SearchTarget=PRA&textfield=1076-0183>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period on this collection of information was published on June 21, 2024 (89 FR 52076). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

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

Abstract: Under the Indian Reorganization Act, Tribes have the right to organize and adopt constitutions, bylaws, and any amendments thereto and to ratify charters of incorporation through elections called by the Secretary of the Interior, according to rules prescribed by the Secretary. *See* 25 U.S.C. 5123, 5124, 5203. The Secretary's rules for conducting these elections, known as "Secretarial elections," and approving the results are at 25 CFR part 81.

In most cases, the Tribe requests a Secretarial election; however, an individual voting member of a Tribe may also request a Secretarial election by petition. These rules also establish the procedures for an individual to petition for a Secretarial election. The BIA requires the Tribe to submit a formal request for Secretarial election, including: A Tribal resolution; the document or language to be voted on in the election; a list of all Tribal members who are age 18 or older in the next 120 days (when the election will occur), including their last known addresses, voting districts (if any), and dates of birth, in an electronically sortable format.

While much of the information the Tribe prepares for a Secretarial election (*e.g.*, list of members eligible to vote) would be required if the Tribe instead conducted its own Tribal election, the Secretary's rules establish specifics on what a Tribal request or petition for election must contain. These specifics are necessary to ensure the integrity of Secretarial elections and allow the BIA and Tribal personnel the ability to consistently administer elections.

Title of Collection: Secretarial Elections.

OMB Control Number: 1076–0183.

Form Number: Secretarial Election Voter Registration Form.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Federally recognized Tribes and their members.

Total Estimated Number of Annual Respondents: 252,041.

Total Estimated Number of Annual Responses: 252,041.

Estimated Completion Time per Response: Varies from 15 minutes to 40 hours.

Total Estimated Number of Annual Burden Hours: 64,305.

Respondent's Obligation: Required to obtain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: \$183,960.

Authority

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Scott J. Davis,

Senior Advisor to the Secretary of the Interior, Exercising the delegated authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2025–07234 Filed 4–25–25; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1430]

Certain Urine Splash Guards and Components Thereof; Notice of the Commission Determination Not To Review an Initial Determination Terminating a Respondent Based on Settlement and an Initial Determination Amending the Notice of Investigation and Terminating a Respondent Based on Settlement

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined not to review an initial determination ("ID") (Order No. 10) of the presiding administrative law judge ("ALJ") granting Complainant's unopposed motion to terminate the investigation as to one respondent based on settlement, and an ID (Order No. 11) amending the Notice of Investigation and granting Complainant's unopposed motion to terminate the above-captioned investigation as to another respondent based on settlement.

FOR FURTHER INFORMATION CONTACT:

Jonathan Link, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW,

Washington, DC 20436, telephone (202) 205–3103. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 13, 2025, based on a complaint filed by For Kids By Parents, Inc. ("Complainant") of Potomac, Maryland. 90 FR 2745 (Jan. 13, 2025). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain urine splash guards and components thereof by reason of infringement of one or more of claims 1 and 2 of U.S. Patent No. 7,870,619 and claims 1–3 of U.S. Patent No. 11,812,901. *Id.* The Commission's notice of investigation named as respondents Shenzhenshi Dijiaotuman Trading Co., Ltd. (d/b/a Tigaman) of Guangdong, China ("Tigaman"); Junyaxincaiwuzixunyouxiangongsi (d/b/a Junyixin) of Fujian, China ("Junyixin"); Hezeyunjiangjixieshebeiyouxiangongsi (d/b/a Maomaohouse) of Guangdong, China; Shenzhenshiranbodianshiyouxiangongsi (d/b/a Eurbus) of Longgang, China ("Eurbus"); Hefeiweifengshidaishidaimaoyouxiangongsi (d/b/a HealthSTEC) of Anhui, China; ShenzhenShi Julonghui Trading Co., Ltd. (d/b/a Edermurs) of Guangdong, China; Shenzhenshi Lishian Keji Youxiangongsi (d/b/a Lishian) of Guangdong, China; Shenzhen Paisi Industrial Co., Ltd. (d/b/a Sunyoka123) of Guangdong, China ("Sunyoka123"); Guangzhou Lesenyu Dianzishangwu Youxiangongsi (d/b/a Le Sengyu) of Guangdong, China; and Shenzhen Sibaite Industrial Co., Ltd. (d/b/a SeLucky) of Guangdong, China ("SeLucky"). *Id.* The Office of Unfair Import Investigations ("OUII") was also named as a party in this investigation. *Id.*

On April 1, 2025, the Commission determined not to review three initial determinations (Order Nos. 5, 6, and 7)

granting Complainant's unopposed motions to terminate the investigation as to respondents Eurbus, Sunyoka123, and SeLucky based on settlement. *See* Order Nos. 5, 6, and 7 (March 11, 2025), *unreviewed by* Comm'n Notice (April 1, 2025).

On February 6, 2025, Complainant filed an unopposed motion to terminate Tigaman from the investigation based on settlement. On February 18, 2025, OUII filed a response in support of Complainant's motion. On March 11, 2025, the ALJ issued Order No. 8, requesting clarification regarding slight differences in Tigaman's name and address in the Complaint and Notice of Investigation and the settlement agreement attached to the motion to terminate. Complainant filed a response with additional information on March 18, 2025. OUII filed a response again supporting termination on March 27, 2025.

On March 18, 2025, Complainant filed an unopposed motion to terminate Junyxin from the investigation based on settlement. On March 27, 2025, OUII filed a response in support of Complainant's motion.

On April 1, 2025, the ALJ issued the subject IDs (Order Nos. 10 and 11), granting Complainant's unopposed motions to terminate the investigation as to Tigaman and Junyxin. Order No. 11 also amends the Notice of Investigation to correctly identify the address of Respondent Junyxin as: Room 205, No. 183 Dongshanli, Dong'an Jimei District, Xiamen City, China. The subject IDs find that the motions meet the requirements of Commission Rules 210.21(b) and 210.50(b)(2) (19 CFR 210.21(b), 210.50(b)(2)), and that there are no extraordinary circumstances that would prevent the requested partial termination of the investigation. The subject IDs also grant Complainant's unopposed request to limit service of he unredacted versions of the settlement agreements. No petitions for review of the IDs were filed.

The Commission has determined not to review the subject IDs. The Notice of Investigation is amended to correctly identify the address of Respondent Junyxin as: Room 205, No. 183 Dongshanli, Dong'an Jimei District, Xiamen City, China. Tigaman and Junyxin are terminated from the investigation.

The Commission vote for this determination took place on April 21, 2025.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of

Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: April 22, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-07232 Filed 4-25-25; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1535]

Importer of Controlled Substances Application: Skalar Pharma LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Skalar Pharma LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before May 28, 2025. Such persons may also file a written request for a hearing on the application on or before May 28, 2025.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator,

8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on February 26, 2025, Skalar Pharma LLC, SR 53 KM 82 Guayama, Guayama, Puerto Rico 00785, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Phenylacetone	8501	II

The company plans to import the listed controlled substance to be used in the manufacturing process for other controlled substances. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Matthew Strait,

Deputy Assistant Administrator.

[FR Doc. 2025-07278 Filed 4-25-25; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1533]

Importer of Controlled Substances Application: Lipomed

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Lipomed has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before May 28, 2025. Such persons may also file a written request for a hearing on the application on or before May 28, 2025.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal,

which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking

Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement

Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on March 21, 2025, Lipomed, 150 Cambridgepark Drive, Suite 705, Cambridge, Massachusetts 02140–2300, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3-FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4-FMC)	1238	I
Para-Methoxymethamphetamine (PMMA), 1-(4-methoxyphenyl)-N-methylpropan-2-amine	1245	I
Pentedrone (α -methylaminovalephorphenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4-MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
N,N-Dimethylamphetamine	1480	I
Fenethylamine	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine)	1595	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Mecloqualone	2572	I
Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine	2780	I
Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine)	2785	I
Clonazepam (6-(2-chlorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine	2786	I
Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine	2788	I
Diclazepam (7-chloro-5-(2-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-benzo[e][1,4]diazepin-2-one)	2789	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I
ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Fluoro-UR-144 and XLR11 ([1-(5-Fluoro-pentyl)1H-indol-3-yl] (2,2,3,3-tetramethylcyclopropyl)methanone)	7011	I
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
(1-(4-Fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7014	I
JWH-019 (1-Hexyl-3-(1-naphthyl) indole)	7019	I
MDMB-FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
FUB-AMB, MMB-FUBINACA, AMB-FUBINACA (2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7021	I
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ-2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	7024	I
5F-AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7025	I
AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7031	I
MAB-CHMINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F-AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
5F-ADB; 5F-MDMB-PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7034	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate	7036	I
Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate	7041	I
MDMB-CHMICA, MMB-CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	7042	I
MMB-CHMICA, AMB-CHMICA (methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate)	7044	I
N-(Adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboximide)	7047	I
APINACA and AKB48 (N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide)indazole-3-carboxamide)	7048	I
5F-APINACA, 5F-AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthyl) indole)	7081	I
1-(5-Fluoropentyl)-1H-indazole-3-carboxamide	7083	I
5F-CUMYL-P7AICA (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide)	7085	I
4-CN-CUMYL-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN-CUMYL BINACA, CUMYL-4CN-BINACA, SGT-78 (1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboximide)	7089	I
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole)	7104	I

Controlled substance	Drug code	Schedule
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone)	7144	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
NM2201, CBL2201 (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7221	I
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
4-methyl-alpha-ethylaminopentiophenone (4-MEAP)	7245	I
N-ethylhexedrone	7246	I
Alpha-ethyltryptamine	7249	I
lbogaine	7260	I
2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (methoxetamine)	7286	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol)	7297	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2- [(1R,3S)3-hydroxycyclohexyl]-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7)	7348	I
Marihuana extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Parahehyl	7374	I
Mescaline	7381	I
2C-T-2, (2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N,N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
4-chloro-alpha-pyrrolidinovalerophenone (4-chloro-a-PVP)	7443	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	I
N-Ethyl-3-piperidyl benzilate	7482	I
N-Methyl-3-piperidyl benzilate	7484	I
N-Benzylpiperazine	7493	I
4-MePPP (4-Methyl-alpha-pyrrolidinopropiophenone)	7498	I
2C-D (2-(2,5-Dimethoxy-4-methylphenyl) ethanamine)	7508	I
2C-E (2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine)	7509	I
2C-H (2-(2,5-Dimethoxyphenyl) ethanamine)	7517	I
2C-I (2-(4-iodo-2,5-dimethoxyphenyl) ethanamine)	7518	I
2C-C (2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine)	7519	I
2C-N (2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine)	7521	I
2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine)	7524	I
2C-T-4 (2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine)	7532	I
MDPV (3,4-Methylenedioxypropylvalerone)	7535	I
25B-NBOMe (2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7536	I
25C-NBOMe (2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7537	I
25I-NBOMe (2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
N-Ethylpentylone, ephylone (1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one)	7543	I
α-PHP, alpha-Pyrrolidinohexanophenone	7544	I
α-PVP (alpha-pyrrolidinopentiophenone)	7545	I
α-PBP (alpha-pyrrolidinobutiophenone)	7546	I

Controlled substance	Drug code	Schedule
Ethylone	7547	I
PV8, alpha-Pyrrolidinoheptaphenone	7548	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Acetyl dihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Cyprenorphine	9054	I
Desomorphine	9055	I
Etorphine (except HCl)	9056	I
Codeine methylbromide	9070	I
Brorphine (1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)- 1,3-dihydro-2H-benzo[d]imidazol-2-one)	9098	I
Dihydromorphine	9145	I
Difenoxin	9168	I
Heroin	9200	I
Hydromorphenol	9301	I
Methyldesorphine	9302	I
Methyldihydromorphine	9304	I
Morphine methylbromide	9305	I
Morphine methylsulfonate	9306	I
Morphine-N-oxide	9307	I
Myrophine	9308	I
Nicocodeine	9309	I
Nicomorphine	9312	I
Normorphine	9313	I
Pholcodine	9314	I
Thebacon	9315	I
Acetorphine	9319	I
Drotebanol	9335	I
U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))	9551	I
MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine))	9560	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Benzethidine	9606	I
Betacetylmethadol	9607	I
Betameprodine	9608	I
Betamethadol	9609	I
Betaprodine	9611	I
Clonitazene	9612	I
Dextromoramide	9613	I
Diampromide	9615	I
Diethylthiambutene	9616	I
Dimenoxadol	9617	I
Dimepheptanol	9618	I
Dimethylthiambutene	9619	I
Dioxaphetyl butyrate	9621	I
Dipipanone	9622	I
Ethylmethylthiambutene	9623	I
Etonitazene	9624	I
Etoxidine	9625	I
Furethidine	9626	I
Hydroxypethidine	9627	I
Ketobemidone	9628	I
Levomoramide	9629	I
Levophenacymorphan	9631	I
Morpheridine	9632	I
Noracymethadol	9633	I
Norlevorphanol	9634	I
Normethadone	9635	I
Norpipanone	9636	I
Phenadoxone	9637	I
Phenampromide	9638	I
Phenoperidine	9641	I
Piritramide	9642	I
Proheptazine	9643	I
Propidine	9644	I
Racemoramide	9645	I
Trimeperidine	9646	I
Phenomorphane	9647	I
Propiram	9649	I
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I

Controlled substance	Drug code	Schedule
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	9663	I
Tilidine	9750	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-Methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide	9816	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
Para-fluorobutyryl fentanyl	9823	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	I
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	I
Para-chloroisobutyryl fentanyl	9826	I
Isobutyryl fentanyl	9827	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
Beta-hydroxythiofentanyl	9836	I
Para-methoxybutyryl fentanyl	9837	I
Ocfentanil	9838	I
Valeryl fentanyl	9840	I
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide)	9843	I
Cyclopropyl Fentanyl	9845	I
Cyclopentyl fentanyl	9847	I
Fentanyl related compounds as defined in 21 CFR 1308.11(h)	9850	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Dronabinol in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration (FDA)	7365	II
Nabilone	7379	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
ANPP (4-Anilino-N-phenethyl-4-piperidine)	8333	II
Norfentanyl (N-phenyl-N-(piperidin-4-yl)propionamide)	8366	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Anileridine	9020	II
Cocaine	9041	II
Codeine	9050	II
Etorphine HCl	9059	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine-intermediate-A	9232	II
Meperidine intermediate-B	9233	II
Meperidine intermediate-C	9234	II
Metazocine	9240	II
Methadone	9250	II
Methadone intermediate	9254	II
Metopon	9260	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II

Controlled substance	Drug code	Schedule
Dihydroetorphine	9334	II
Levo-alphaacetylmethadol	9648	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Phenazocine	9715	II
Thiafentanil	9729	II
Piminodine	9730	II
Racemethorphan	9732	II
Racemorphan	9733	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Bezitramide	9800	II
Fentanyl	9801	II
Moramide-intermediate	9802	II

The company plans to import analytical reference standards for distribution to its customers for research and analytics purposes. Placement of these drug codes onto the company's registration does not translate into automatic approval of subsequent permit applications to import controlled substances. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Matthew Strait,

Deputy Assistant Administrator.

[FR Doc. 2025-07283 Filed 4-25-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1534]

Bulk Manufacturer of Controlled Substances Application: Pisgah Laboratories Inc

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Pisgah Laboratories has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before June 27, 2025. Such persons may also file a written request for a hearing on the application on or before June 27, 2025.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on March 5, 2025, Pisgah Laboratories Inc, 3222 Old Hendersonville Highway, Pisgah Forest, North Carolina 28768, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Amphetamine	1100	II
Lisdexamfetamine	1205	II
Methylphenidate	1724	II
Diphenoxylate	9170	II
Meperidine	9230	II
Methadone	9250	II
Tapentadol	9780	II

The company plans to bulk manufacture the above-listed controlled substances in bulk for internal research purposes and distribution to its customers. No other activities for these drug codes are authorized for this registration.

Matthew Strait,

Deputy Assistant Administrator.

[FR Doc. 2025-07280 Filed 4-25-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1537]

**Importer of Controlled Substances
Application: Almac Clinical Services
Inc (ACSI)**

AGENCY: Drug Enforcement
Administration, Justice.

ACTION: Notice of application.

SUMMARY: Almac Clinical Services, Inc., (ACSI) has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before May 28, 2025. Such persons may also file a written request for a hearing on the application on or before May 28, 2025.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All

requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on April 14, 2025, ACSI, 25 Fretz Road, Souderton, Pennsylvania 18964, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Psilocybin	7437	I
Oxycodone	9143	II
Hydromorphone	9150	II
Morphine	9300	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to import the listed controlled substances for clinical trials purposes only. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Matthew Strait,

Deputy Assistant Administrator.

[FR Doc. 2025-07284 Filed 4-25-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1536]

**Importer of Controlled Substances
Application: VHG Labs DBA LGC
Standards**

AGENCY: Drug Enforcement
Administration, Justice.

ACTION: Notice of application.

SUMMARY: VHG Labs DBA LGC Standards has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before May 28, 2025. Such persons may also file a written request for a hearing on the application on or before May 28, 2025.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on March 19, 2025, VHG Labs DBA LGC Standards, 3 Perimeter Road, Manchester, New Hampshire 03103-3341, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Amineptine (7-[(10,11-dihydro-5Hdibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid)	1219	I
Mesocarb (N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate)	1227	I
3-Fluoro-N-methylcathinone (3-FMC)	1233	I
Cathinone	1235	I

Controlled substance	Drug code	Schedule
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4-FMC) 1238 I N	1238	I
Para-Methoxymethamphetamine (PMMA), 1-(4-methoxyphenyl)-N-methylpropan-2-amine	1245	I
Pentedrone (α-methylaminovaleophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4-MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
Methiopropamine (N-methyl-1-(thiophen-2-yl)propan-2-amine) 1478 I N	1478	I
N,N-Dimethylamphetamine	1480	I
Fenethylamine	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine)	1595	I
Ethylphenidate (ethyl 2-phenyl-2-(piperidin-2-yl)acetate)	1727	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Mecloqualone	2572	I
Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)	2780	I
Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine)	2785	I
Clonazepam (6-(2-chlorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine)	2786	I
Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine)	2788	I
Diclazepam (7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-benzo[e][1,4]diazepin-2-one)	2789	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I
ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Fluoro-UR-144 and XLR11 [1-(5-Fluoropentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
FUB-144 (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone)	7014	I
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
MDMB-FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
FUB-AMB, MMB-FUBINACA, AMB-FUBINACA (2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7021	I
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ-2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	7024	I
5F-AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboximide)	7025	I
AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7031	I
MAB-CHMINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F-AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
5F-ADB, 5F-MDMB-PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7034	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
5F-EDMB-PINACA (ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7036	I
5F-MDMB-PICA (methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	7041	I
MDMB-CHMICA, MMB-CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	7042	I
MMB-CHMICA, AMB-CHMICA (methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate)	7044	I
FUB-AKB48, FUB-APINACA, AKB48 N-(4-FLUOROBENZYL) (N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboximide)	7047	I
APINACA and AKB48 (N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide)	7048	I
5F-APINACA, 5F-AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
5F-CUMYL-PINACA, 5GT-25 (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide)	7083	I
5F-CUMYL-P7AICA (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide)	7085	I
4-CN-CUML-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN-CUMYL BINACA, CUMYL-4CN-BINACA, SGT-78 (1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide)	7089	I
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole)	7104	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
NM2201, CBL2201 (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7221	I
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
4-methyl-α-ethylaminopentiophenone (4-MEAP) 7245 I N 4-MEAP	7245	I
N-ethylhexedrone 7246 I N	7246	I
Alpha-ethyltryptamine	7249	I
l-bogaine	7260	I
2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (methoxetamine)	7286	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol]	7297	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol]	7298	I

Controlled substance	Drug code	Schedule
Lysergic acid diethylamide	7315	I
2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine)	7348	I
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Paraheyl	7374	I
Mescaline	7381	I
2C-T-2 (2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N,N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
4-chloro-alpha-pyrrolidinovalerophenone (4-chloro-aPV)	7443	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	I
N-Ethyl-3-piperidyl benzilate	7482	I
N-Methyl-3-piperidyl benzilate	7484	I
N-Benzylpiperazine	7493	I
4-MePPP (4-Methyl-alpha-pyrrolidinopropiophenone)	7498	I
2C-D (2-(2,5-Dimethoxy-4-methylphenyl) ethanamine)	7508	I
2C-E (2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine)	7509	I
2C-H 2-(2,5-Dimethoxyphenyl) ethanamine)	7517	I
2C-I 2-(4-iodo-2,5-dimethoxyphenyl) ethanamine)	7518	I
2C-C 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine)	7519	I
2C-N (2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine)	7521	I
2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine)	7524	I
2C-T-4 (2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine)	7532	I
MDPV (3,4-Methylenedioxypropylvalerone)	7535	I
25B-NBOMe (2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7536	I
25C-NBOMe (2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7537	I
25I-NBOMe (2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
N-Ethypentylone, ephylone (1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one)	7543	I
alpha-pyrrolidinohexanophenone (a-PHP)	7544	I
alpha-pyrrolidinopentiophenone (α-PVP)	7545	I
alpha-pyrrolidinobutiophenone (α-PBP)	7546	I
Ethylone	7547	I
alpha-pyrrolidinoheptaphenone (PV8)	7548	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Cyprenorphine	9054	I
Desomorphine	9055	I
Etorphine (except HCl)	9056	I
Codeine methylbromide	9070	I
Brorphine (1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-2-one)	9098	I
Dihydromorphine	9145	I
Difenoxin	9168	I
Heroin	9200	I
Hydromorphenol	9301	I
Methyldesorphine	9302	I

Controlled substance	Drug code	Schedule
Methyldihydromorphine	9304	I
Morphine methylbromide	9305	I
Morphine methylsulfonate	9306	I
Morphine-N-oxide	9307	I
Myrophine	9308	I
Nicocodeine	9309	I
Nicomorphine	9312	I
Normorphine	9313	I
Pholcodine	9314	I
Thebacon	9315	I
Acetorphine	9319	I
Drotebanol	9335	I
U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide)	9551	I
MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine)	9560	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Benzethidine	9606	I
Betacetylmethadol	9607	I
Betameprodine	9608	I
Betamethadol	9609	I
Betaprodine	9611	I
Clonitazene	9612	I
Dextromoramide	9613	I
Isotonotazene (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine)	9614	I
Diampromide	9615	I
Diethylthiambutene	9616	I
Dimenoxadol	9617	I
Dimepheptanol	9618	I
Dimethylthiambutene	9619	I
Dioxaphetyl butyrate	9621	I
Dipipanone	9622	I
Ethylmethylthiambutene	9623	I
Etonitazene	9624	I
Etoxidine	9625	I
Furethidine	9626	I
Hydroxypethidine	9627	I
Ketobemidone	9628	I
Levomoramide	9629	I
Levophenacetylmorphan	9631	I
Morpheridine	9632	I
Noracetylmethadol	9633	I
Norlevorphanol	9634	I
Normethadone	9635	I
Norpipanone	9636	I
Phenadoxone	9637	I
Phenampromide	9638	I
Phenoperidine	9641	I
Piritramide	9642	I
Proheptazine	9643	I
Properidine	9644	I
Racemoramide	9645	I
Trimeperidine	9646	I
Phenomorphane	9647	I
Propiram	9649	I
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	9663	I
Tilidine	9750	I
Metonitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine)	9757	I
Protonitazene (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine)	9759	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide	9816	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
Para-fluorobutyryl fentanyl	9823	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	I

Controlled substance	Drug code	Schedule
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	I
Para-chloroisobutyl fentanyl	9826	I
Isobutyl fentanyl	9827	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
Beta-hydroxythiofentanyl	9836	I
Para-methoxybutyl fentanyl	9837	I
Ocfentanil	9838	I
Valeryl fentanyl	9840	I
beta'-Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N,3- diphenylpropanamide; also known as β' -phenyl fentanyl; 3-phenylpropanoyl fentanyl).	9842	I
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide	9843	I
Crotonyl fentanyl ((E-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide)	9844	I
Cyclopropyl Fentanyl	9845	I
ortho-Fluorobutyl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide; also known as 2-fluorobutyl fentanyl).	9846	I
Cyclopentyl fentanyl	9847	I
Fentanyl related-compounds as defined in 21 CFR 1308.11(h)	9850	I
beta-Methyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide; also known as β -methyl fentanyl)	9856	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Dronabinol in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration	7365	II
Nabilone	7379	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
ANPP (4-Anilino-N-phenethyl-4-piperidine)	8333	II
Norfentanyl (N-phenyl-N-(piperidin-4-yl) propionamide)	8366	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Anileridine	9020	II
Cocaine	9041	II
Codeine	9050	II
Etorphine HCl	9059	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-A	9232	II
Meperidine intermediate-B	9233	II
Meperidine intermediate-C	9234	II
Metazocine	9240	II
Oliceridine (N-[(3-methoxythiophen-2-yl)methyl] ({2-[9r]-9-(pyridin-2-yl)-6-oxaspiro[4.5] decan-9-yl} ethyl {time})amine fumarate).	9245	II
Methadone	9250	II
Methadone intermediate	9254	II
Metopon	9260	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Dihydroetorphine	9334	II
Levo-alphaacetylmethadol	9648	II
Opium Poppy/Poppy Straw	9650	II
Oxymorphone	9652	II

Controlled substance	Drug code	Schedule
Noroxymorphone	9668	II
Phenazocine	9715	II
Thiafentanil	9729	II
Piminodine	9730	II
Racemethorphan	9732	II
Racemorphan	9733	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Bezitramide	9800	II
Fentanyl	9801	II
Moramide-intermediate	9802	II

The company plans to import the listed controlled substances for distribution for analytical testing purposes. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Matthew Strait,

Deputy Assistant Administrator.

[FR Doc. 2025-07279 Filed 4-25-25; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1512]

Bulk Manufacturer of Controlled Substances Application: Pharmaron Manufacturing Services (US), LLC; Correction

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice; correction.

SUMMARY: The Drug Enforcement Administration (DEA) published a document in the **Federal Register** on March 26, 2025, concerning a notice of application for bulk manufacturer of Controlled Substances. As that document indicated the registrant's incorrect plans for the listed controlled substances.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** (FR) of March 26, 2025, in FR Doc. 2025-05055 (90 FR

13782), on page 13782, Column 3, under **SUPPLEMENTARY INFORMATION** correction to the paragraph underneath controlled substance table should read as follows: The company plans to bulk manufacture Noroxymorphone (9668) as an intermediate product to be sold to its customers under the Contract Manufacture Organization (CMO) which the material will be shipped to, and converted to a non-controlled substance. Oxymorphone (9652) will be used as a starting material to be converted to Noroxymorphone. No other activities for these drug codes are authorized for this registration.

Matthew Strait,

Deputy Assistant Administrator.

[FR Doc. 2025-07281 Filed 4-25-25; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1518]

Bulk Manufacturer of Controlled Substances Application: Siemens Healthcare Diagnostics Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Siemens Healthcare Diagnostics, Inc. has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before June 27, 2025. Such persons may also file a written request

for a hearing on the application on or before June 27, 2025.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on January 15, 2025, Siemens Healthcare Diagnostics, Inc., 100 GBC Drive, Mailstop 108, Newark, Delaware 19702-2461, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Ecgonine	9180	II

The company plans to bulk manufacture the listed controlled substance in bulk to be used in the manufacture of the DEA exempt products. No other activity for this drug code is authorized for this registration.

Matthew Strait,

Deputy Assistant Administrator.

[FR Doc. 2025-07282 Filed 4-25-25; 8:45 am]

BILLING CODE 4410-09-P

NUCLEAR REGULATORY COMMISSION

[NRC–2024–0152]

Information Collection: Nuclear Material Events Database (NMED) for the Collection of Event Report, Response, Analyses, and Follow-Up Data on Events Involving the Use of Atomic Energy Act Radioactive Byproduct Material**AGENCY:** Nuclear Regulatory Commission.**ACTION:** Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, “Nuclear Material Events Database (NMED) for the Collection of Event Report, Response, Analyses, and Follow-up Data on Events Involving the Use of Atomic Energy Act Radioactive Byproduct Material.”

DATES: Submit comments by June 27, 2025. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0152. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION**

CONTACT section of this document.

- *Mail comments to:* Kristen Benney, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Obtaining Information and Submitting Comments***A. Obtaining Information*

Please refer to Docket ID NRC–2024–0152 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0152. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2024–0152 on this website.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to PDR.Resource@nrc.gov. A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML25077A227. The supporting statement is available in ADAMS under Accession Nos. ML25077A069.

- *NRC’s PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- *NRC’s Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC’s Acting Clearance Officer, Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2024–0152, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not

want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB’s approval for the information collection summarized as follows.

1. *The title of the information collection:* Nuclear Material Events Database (NMED) for the Collection of Event Report, Response, Analyses, and Follow-up Data on Events Involving the Use of Atomic Energy Act Radioactive Byproduct Material.

2. *OMB approval number:* 3150–0178.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* Agreement States are requested to provide copies of licensee nuclear material event reports electronically or by hardcopy to the NRC within 30 days of receipt from their licensee. In addition, Agreement States are requested to report events that may pose a significant health and safety hazard to the NRC Headquarters Operations Officer within 24 hours of notification by an Agreement State licensee.

6. *Who will be required or asked to respond:* Current Agreement States and any State receiving Agreement State status in the future.

7. *The estimated number of annual responses:* 450.

8. *The estimated number of annual respondents:* 41.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 720 hours (360 reporting and 360 recordkeeping).

10. *Abstract:* NRC regulations require NRC licensees to report incidents and overexposures, leaking or contaminated

sealed source(s), release of excessive contamination of radioactive material, lost or stolen radioactive material, equipment failures, abandoned well logging sources and medical events. Agreement State licenses are also required to report these events to their individual Agreement State regulatory authorities under compatible Agreement State regulations. The NRC is requesting that the Agreement States provide information to the NRC on the initial notification, response actions, and follow-up investigations on events involving the use (including suspected theft or terrorist activities) of nuclear materials regulated pursuant to the Atomic Energy Act of 1954, as amended. The event information should be provided in a uniform electronic format, for assessment and identification of any facilities/site-specific or generic safety concerns that could have the potential to impact public health and safety. The identification and review of safety concerns may result in lessons learned and may also identify generic issues for further study which could result in proposals for changes or revisions to technical or regulatory designs, processes, standards, guidance or requirements.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: April 23, 2025.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2025-07296 Filed 4-25-25; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52-007; NRC-2025-0072]

Constellation Energy Generation, LLC; Clinton Early Site Permit

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to a December 20, 2024, request from Constellation Energy Generation, LLC, to allow the submittal of a renewal application for ESP-001 no later than 45 days prior to the expiration of the existing permit and still place the permit in timely renewal under NRC regulations.

DATES: The exemption was issued on April 16, 2025.

ADDRESSES: Please refer to Docket ID NRC-2025-0072 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2025-0072. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301-415-1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jordan Glisan, Office of Nuclear Reactor

Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-3478, email: Jordan.Glisan@nrc.gov.

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: April 23, 2025.

For the Nuclear Regulatory Commission.

Jordan Glisan,

Project Manager, Licensing and Regulatory Infrastructure Branch, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

Attachment—Exemption.

NUCLEAR REGULATORY COMMISSION

Docket No. 52-007

Constellation Energy Generation, LLC Clinton Early Site Permit

Exemption

I. Background

Exelon Generation Company, LLC, renamed Constellation Energy Generation, LLC (CEG or the permit holder), is the holder of early site permit (ESP) ESP-001. The ESP was issued for a site located approximately 6 miles east of the city of Clinton in central Illinois and adjacent to the existing Clinton nuclear power station. The ESP approves the site for one or more nuclear power plants, which may be modular and designed to operate collectively at no more than 6800 megawatts thermal, independent of a specific nuclear plant design or an application for a construction permit or combined license. The permit also provides, among other things, that the site is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, Commission) now or hereafter in effect. The Clinton ESP became effective on March 15, 2007, and expires on March 15, 2027.

II. Request/Action

By letter dated December 20, 2024 (Agencywide Documents Access and Management System Accession No. ML24355A121), CEG requested an exemption from 10 CFR 2.109, "Effect of timely renewal application," section (c), and 10 CFR 52.29, "Application for renewal," to allow the renewal application for ESP-001 to be submitted no later than 45 days prior to the expiration of the existing permit and still receive timely renewal protection under 10 CFR 2.109(c) and 10 CFR 52.29.

The regulation at 10 CFR 2.109(c) requires that the permit holder file a sufficient application for renewal no

less than 12 months before the expiration of the existing ESP. The regulation at 10 CFR 52.29 requires that the permit holder file a sufficient application for renewal no more than 36 months prior to the expiration of the permit in order to be in timely renewal. Specifically, 10 CFR 2.109(c) states “If the holder of an early site permit licensed under subpart A of Part 52 of this chapter files a sufficient application for renewal under § 52.29 of this chapter at least 12 months before the expiration of the existing early site permit, the existing permit will not be deemed to have expired until the application has been finally determined.” Additionally, 10 CFR 52.29(a) states, “Not less than 12, nor more than 36 months before the expiration date stated in the early site permit, or any later renewal period, the permit holder may apply for a renewal of the permit.” Lastly, 10 CFR 52.29(c) states, “An early site permit, either original or renewed, for which a timely application for renewal has been filed, remains in effect until the Commission has determined whether to renew the permit.”

III. Discussion

Exemptions from the requirements of Part 52 are governed by 10 CFR 52.7, which states that an exemption under that Part must meet the exemption requirements in 10 CFR 50.12. Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 52 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) special circumstances are present, as defined in 10 CFR 50.12(a)(2). In its application, the permit holder stated that two special circumstances apply to its request. The two special circumstances that the permit holder included in its request are:

(1) Application of the regulation would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

(2) There is present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption.

A. The Exemption Is Authorized by Law

This exemption would allow the permit holder to submit a sufficient renewal application for ESP-001 no later than 45 days prior to the expiration of its existing permit and the permit would still be in timely renewal under

10 CFR 2.109(c) and 10 CFR 52.29. The Administrative Procedure Act (APA), 5 U.S.C. 558(c), states:

When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

The APA does not require a specific time period within which an application for a renewal must be filed; the 12-month time period specified in 10 CFR 2.109(c) and 10 CFR 52.29 is specific to NRC regulations, pursuant to the Atomic Energy Act of 1954 (AEA). Because the regulation at 10 CFR 52.7 allows the NRC to grant exemptions from its regulations and because the APA does not require a specific time period for timely renewal of the ESP, the NRC has determined that granting this exemption will not result in a violation of the AEA or the APA. Therefore, the exemption is authorized by law.

B. The Exemption Presents No Undue Risk to Public Health and Safety

The requested exemption to allow a 45-day time period, rather than the 12 months specified in 10 CFR 2.109(c) and 10 CFR 52.29(a), for the permit holder to submit a sufficient renewal application and place the permit in timely renewal is a scheduling change. The action does not change the manner in which the permit maintains public health and safety because no additional changes are made as a result of the action. The NRC finds that a period of 45 days provides sufficient time for the NRC to begin to perform an acceptance review, and that review time beyond the expiration date of the permit does not pose an undue risk to public health and safety due to a lack of activity at the site. Based on the above, the NRC finds that the action does not cause undue risk to public health and safety.

C. The Exemption Is Consistent With the Common Defense and Security

The requested exemption to allow a 45-day time period, rather than the 12 months specified in 10 CFR 2.109(c) and 10 CFR 52.29, for the permit holder to submit a sufficient renewal application and place the permit in timely renewal is a scheduling change. This exemption would not change the permit and therefore would not impact the security of the site. Therefore, the NRC finds that the action is consistent with the common defense and security because the scheduling change would have no impact on site security.

D. Special Circumstances

The purpose of 10 CFR 2.109(c), as it is applied to nuclear power reactors licensed by the NRC, is to implement the “timely renewal” provision of Section 9(b) of the APA, 5 U.S.C. 558(c), which states:

When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

The underlying purpose of this “timely renewal” provision in the APA is to protect a licensee who is engaged in an ongoing licensed activity and who has complied with agency rules in applying for a renewed or new license from facing license expiration as the result of delays in the administrative process.¹

Application of the 12-month period in 10 CFR 2.109(c) and 10 CFR 52.29 is not necessary to achieve the underlying purpose of the timely renewal provision in the regulation if the permit holder files a sufficient renewal application no later than 45 days prior to expiration of the permit. The NRC acknowledges that receipt of a renewal application for ESP-001 would result in an NRC review that would take place beyond the expiration date of the ESP. The NRC staff has determined this will not pose any issues to public health and safety or common defense and security or cause an undue hardship in the regulatory processes surrounding the ESP as a result of the additional time that the ESP is active because no construction or operation activities are taking place on site. Therefore, the NRC finds that the special circumstance requirement in 10 CFR 50.12(a)(2)(ii) has been met here.

E. Environmental Considerations

The NRC has determined that the issuance of the requested exemption meets the provisions of categorical exclusion specified in 10 CFR 51.22(c)(25). Under 10 CFR 51.22(c)(25), the granting of an exemption from the requirements of any regulation in Chapter 10 of the Code of Federal Regulations qualifies as a categorical exclusion if (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation

¹ *Kay v. FCC*, 525 F.3d 1277 (D.C. Cir. 2008) (citing *Miami MDS Co. v. FCC*, 14 F.3d 658, 659–60 (D.C. Cir. 1994)).

exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involves one of several matters, which includes scheduling requirements under 10 CFR 51.22(c)(25)(vi)(G). The basis for NRC's determination is provided below.

Requirements in 10 CFR 51.22(c)(25)(i)

The regulation at 10 CFR 51.22(c)(25)(i) requires an exemption to involve a no significant hazards consideration if it is to qualify for a categorical exclusion. The criteria for making a no significant hazards consideration determination are found in 10 CFR 50.92(c). Because there is no existing operating nuclear facility associated with ESP-001, and the exemption only effects the timeframe for submitting the ESP-001 renewal application, the exemption would not involve changes to accident analyses source term parameters, the possibility for new or different kinds of accidents, or associated margins of safety. Therefore, the NRC has determined that the granting of this exemption request involves a no significant hazards consideration because allowing the submittal of the ESP renewal application less than 12 months before expiration of the existing permit while maintaining the protection of the timely renewal provision in 10 CFR 2.109(c) does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Therefore, the requirements of 10 CFR 51.22(c)(25)(i) are met.

Requirements in 10 CFR 51.22(c)(25)(ii) and (iii)

The regulation at 10 CFR 51.22(c)(25)(ii) requires the exemption to involve no significant change in the types or significant increase in the amounts of any effluents that may be released offsite. In addition, the regulation at 10 CFR 51.22(c)(25)(iii) requires the exemption to involve no significant increase in individual or cumulative public or occupational radiation exposure. The requested exemption constitutes a change to the schedule by which the permit holder must submit its ESP renewal application while still maintaining timely renewal, which is administrative in nature. Therefore, the exemption does not involve any change in the types or

significant increase in the amounts of effluents that may be released offsite and also does not contribute to any significant increase in individual or cumulative public or occupational radiation exposure. Therefore, the requirements of 10 CFR 51.22(c)(25)(ii) and (iii) are met.

Requirements in 10 CFR 51.22(c)(25)(iv)

The regulation at 10 CFR 51.22(c)(25)(iv) requires the exemption to involve no significant construction impact. The requested exemption is not associated with construction, and the exemption does not propose any changes or alterations to the site. Therefore, the requirements of 10 CFR 51.22(c)(25)(iv) are met because there is no significant construction impact.

Requirements in 10 CFR 51.22(c)(25)(v)

The regulation at 10 CFR 51.22(c)(25)(v) requires the exemption to involve no significant increase in the potential for or consequences from radiological accidents. The requested exemption constitutes a change to the schedule by which the permit holder must submit its ESP renewal application while still maintaining timely renewal. This exemption is administrative in nature and does not impact the probability or consequences of accidents. Thus, there is no significant increase in the potential for, or consequences of, a radiological accident. Therefore, the requirements of 10 CFR 51.22(c)(25)(v) are met.

Requirements in 10 CFR 51.22(c)(25)(vi)

The regulations at 10 CFR 51.22(c)(25)(vi)(A–I) list the specific types of requirements from which an exemption may be sought. These include 10 CFR 51.22(c)(25)(vi)(G) which involves scheduling requirements. This exemption, which allows the permit holder to submit the ESP renewal application no later than 45 days prior to expiration of the permit, involves scheduling requirements. Therefore, the requirement in 10 CFR 51.22(c)(25)(vi)(G) is met.

Based on the above, the NRC concludes that the proposed exemption meets the eligibility criteria for a categorical exclusion set forth in 10 CFR 51.22(c)(25). Therefore, pursuant to 10 CFR 51.22(b), no environmental assessment or environmental impact statement need be prepared in connection with the approval of this exemption request.

IV. Conclusions

Accordingly, the NRC has determined that, pursuant to 10 CFR 52.7 and 10

CFR 50.12, the requested exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Additionally, special circumstances, as defined in 10 CFR 50.12(a)(2), are present. Therefore, the NRC hereby grants the permit holder a one-time exemption from 10 CFR 2.109(c) and 10 CFR 52.29 for the Clinton Early Site Permit ESP-001 to allow the submittal of the Clinton Early Site Permit ESP-001 renewal application no later than 45 days prior to expiration of the permit while still receiving the protections of timely renewal.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 16th day of April 2025.

For the Nuclear Regulatory Commission.

/RA/

Michele Sampson,

Director, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2025-07301 Filed 4-25-25; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2024-0094]

Information Collection: Physical Protection of Plants and Materials

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, "Physical Protection of Plants and Materials."

DATES: Submit comments by May 28, 2025. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Kristen Benney, NRC Clearance Officer,
U.S. Nuclear Regulatory Commission,
Washington, DC 20555-0001; telephone:
301-415-6355; email:
Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Obtaining Information and Submitting Comments***A. Obtaining Information*

Please refer to Docket ID NRC-2024-0094 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0094.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The supporting statement and burden spreadsheet are available in ADAMS under Accession Nos. ML25069A657 and ML25069A669, respectively.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Acting Clearance Officer, Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6355; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—

Open for Public Comments" or by using the search function.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, "Physical Protection of Plants and Materials." The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on December 6, 2024, 89 FR 97078.

1. *The title of the information collection:* Part 73 of title 10 of the *Code of Federal Regulations* (10 CFR), "Physical Protection of Plants and Materials."

2. *OMB approval number:* 3150-0002.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* Once for the initial submittal of Cyber Security Plans, Physical Security Plans, Safeguards Contingency Plans, and Security Training and Qualification Plans and then on occasion when changes are made. Required reports are submitted and evaluated as events occur.

6. *Who will be required or asked to respond:* Nuclear power reactor licensees licensed under 10 CFR part 50, "Domestic licensing of production and utilization facilities" or 10 CFR part 52, "Licenses, certifications, and approvals for nuclear power plants," who possess,

use, import, export, transport, or deliver to a carrier for transport, special nuclear material (SNM); actively decommissioning reactor licensees; Category I, Category II, and Category III fuel facilities; non-power reactors (research and test reactors); and other entities who mark and handle Safeguards Information.

7. *The estimated number of annual responses:* 135,164.

8. *The estimated number of annual respondents:* 205.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 482,088 (25,725 hours reporting + 428,784 hours recordkeeping + 23,579 hours third-party disclosure).

10. *Abstract:* The NRC regulations in 10 CFR part 73, "Physical Protection of Plants and Materials," prescribe requirements to establish and maintain a physical protection system and security organization with capabilities for protection of (1) SNM at fixed sites, (2) SNM in transit, and (3) plants in which SNM is used. Reporting and recordkeeping requirements contained in 10 CFR part 73 is necessary to ensure an adequate level of protection is provided for nuclear facilities and nuclear material, such as: development and maintenance of security documents, including a physical security plan, a training and qualification plan, a safeguards contingency plan, a cyber security plan, and security implementing procedures; notifications to the NRC regarding safeguards and cyber security events; notifications to State Governors and Tribes regarding shipments of irradiated reactor fuel; and requirements for conducting criminal history records checks of individuals granted unescorted access to a nuclear power facility, a non-power reactor, or access to Safeguards Information. The objective is to ensure activities involving SNM provide for the common defense and security, and do not constitute an unreasonable risk to public health and safety. The information in the reports and records submitted by licensees is used by the NRC staff to verify that possession and use of SNM complies with applicable regulatory requirements and the terms of their respective license and ensure protection of public health and safety and the environment.

Dated: April 23, 2025.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2025-07295 Filed 4-25-25; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC–2024–0149]

Information Collection: Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.”

DATES: Submit comments by June 27, 2025. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0149. Address questions about Docket IDs in [Regulations.gov](https://www.regulations.gov) to Bridget Curran; telephone: 301–415–1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Kristen Benney, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0149 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0149.
- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to PDR.Resource@nrc.gov. The supporting statement and burden spreadsheet are available in ADAMS under Accession Nos. ML25077A034 and ML25077A035.
- *NRC’s PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- *NRC’s Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC’s Acting Clearance Officer, Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2024–0149, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for

submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB’s approval for the information collection summarized as follows.

1. *The title of the information collection:* Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.
2. *OMB approval number:* 3150–0021.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* Environmental reports are required upon submittal of an application for a combined license, construction permit, operating license, operating license renewal, early site permit, design certification, decommissioning or license termination review, or manufacturing license, or upon submittal of a petition for rulemaking.
6. *Who will be required or asked to respond:* Licensees and applicants requesting approvals for actions proposed in accordance with the provisions of parts 30, 32, 33, 34, 35, 36, 39, 40, 50, 52, 54, 60, 61, 70, and 72 of title 10 of the *Code of Federal Regulations* (10 CFR).

7. *The estimated number of annual responses:* 29.3.

8. *The estimated number of annual respondents:* 29.3.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 190,089.

10. *Abstract:* The NRC’s regulations at 10 CFR part 51 specify information to be provided in environmental reports by applicants and licensees so that the NRC can make determinations necessary to adhere to the policies, regulations, and public laws of the United States, which are interpreted and administered in accordance with the provisions set forth in the National Environmental Policy Act of 1969, as amended.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: April 23, 2025.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2025–07297 Filed 4–25–25; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2025–1325 and K2025–1325]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 30, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal

Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).*: MC2025–1325 and K2025–1325; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 715 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* April 22, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Arif Hafiz; *Comments Due:* April 30, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2025–07292 Filed 4–25–25; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. RM2025–8 and K2025–1321; Order No. 8813]

Streamlined Negotiated Service Agreement Review and New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is acknowledging a recent Postal Service filing requesting the Commission initiate a rulemaking to support the establishment of a new non-published rates product, Global Expedited Package Services—Non-Published Rates 17 to the Competitive product list. This document invites public comment on the advance review portion of the Postal Service's filing and takes other administrative steps.

DATES: *Comments are due:* April 30, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by

telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Postal Service Petition
- III. Notice and Comment
- IV. Ordering Paragraphs

I. Introduction

On April 18, 2025, the Postal Service filed a petition to initiate a proceeding for a streamlined option rulemaking to support the establishment of a new non-published rates (NPR) product, Global Expedited Package Services—Non-Published Rates 17 (GEPS—NPR 17), and its request to add GEPS—NPR 17 to the Competitive product list, pursuant to 39 U.S.C. 3633 and 3642, and 39 CFR 3035.105, 3041.205, and 3041.320.¹

II. Postal Service Petition

Background. The Commission adopted rules for streamlined option rulemakings in Docket No. RM2023–5 to “address elements of 39 U.S.C. 3642 review and 39 U.S.C. 3633 pre-implementation review that are broadly applicable to qualifying [negotiated service agreements (NSAs)], and not particular to individual qualifying NSAs.”² Specifically, such proceedings are used to establish eligibility criteria specifying the ways in which qualifying NSAs will be permitted to vary from existing offerings, to review a proposed financial model for qualifying NSAs that accounts for the financial impact of any such variations, and to establish minimum rates for qualifying NSAs. Order No. 7353 at 4.

Streamlined option rulemaking. In accordance with 39 CFR 3041.205(c), the Postal Service submitted proposed *Mail Classification Schedule* (MCS) changes, a supporting financial model

and the minimum rates for GEPS—NPR 17. Petition at 1, 3–5. The Postal Service states that GEPS—NPR 17 offers discounts for Priority Mail Express International (PMEI), Priority Mail International (PMI), and First-Class Package International Service (FCPIS). *Id.* at 3. The Postal Service asserts that the financial model for GEPS—NPR 17 includes minimum rates that demonstrate compliance with 39 U.S.C. 3633, 39 CFR 3035.105, 3041.205(c)(1), and 3041.205(d). *Id.*

NPR NSAs. Requests to add conforming NPR NSA products to the Competitive product list are reviewed in public proceedings. *See* Order No. 7353 at 5. If an NPR NSA product is approved, one or more included contracts using an approved contract template may be subsequently added to the product without requiring further approval from the Commission. *See* 39 CFR 3041.320(h).

The Postal Service states that the GEPS—NPR 17 contract template is “very similar” to the GEPS—NPR 16 contract template that the Commission reviewed in Order No. 7127.³ However, the Postal Service specifically identifies the following differences: (1) “a change in Article 2, which concerns payment method, to allow for the use of an Enterprise Payment Account. . .,” (2) “related changes in Articles 6, 7, and 10,” (3) “a minor change in Article 12,” and (4) “a revision to the discounts provided under the GEPS—NPR 17 product. . .” Petition at 6–7. The Postal Service also states that “[t]he major differences between GEPS—NPR 17 and GEPS—NPR 16 are in the Management Analysis, the financial model, and the rates.” *Id.* at 7.

Supporting materials. The Postal Service filed the following materials in support of its Petition: (1) a proposed financial model that includes minimum rates for GEPS—NPR 17; (2) Attachment 1, an application for non-public treatment of materials filed under seal; (3) Attachment 2A, Governors’ Decision No. 19–1; (4) Attachment 2B, proposed revisions to MCS section 2510.8 Global Expedited Package Services (GEPS)—Non-Published Rates in legislative format; (5) Attachment 2C, the Management Analysis for GEPS—NPR 17, which provides a narrative explanation of how, in the Postal

Service’s view, the proposed financial model complies with statutory and regulatory requirements; (6) Attachment 2D, a sworn statement; (7) Attachment 3, which explains why, in the Postal Service’s view, the Petition is in accordance with 39 CFR 3041.205 and 3041.320; and (8) Attachment 4, the GEPS—NPR 17 contract template. *Id.* at 3–5; *see id.*, Attachments 1–4.

III. Notice and Comment

The Commission establishes Docket Nos. RM2025–8 and K2025–1321 for consideration of matters raised by the Petition. Interested persons may submit comments. Comments are due no later than April 30, 2025. More information on the proceedings may be accessed via the Commission’s website at <https://www.prc.gov>.

Pursuant to 39 U.S.C. 505, Katalin Clendenin is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings. 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.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. RM2025–8 and K2025–1321 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Streamlined-Option Rulemaking Concerning a Request to Add Global Expedited Package Services—Non-Published Rates 17 (GEPS—NPR 17) to the Competitive Products List, Including a Proposal for a GEPS—NPR 17 Model Contract Template and an Application for Non-Public Treatment of Materials Filed Under Seal, filed April 18, 2025.

2. Comments by interested persons are due no later than April 30, 2025.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Katalin Clendenin to 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 the publication of this order in the **Federal Register**.

By the Commission.

Erica A. Barker,
Secretary.

[FR Doc. 2025–07298 Filed 4–25–25; 8:45 am]

BILLING CODE 7710-FW-P

¹ Petition of the United States Postal Service for the Initiation of a Streamlined-Option Rulemaking Concerning a Request to Add Global Expedited Package Services—Non-Published Rates 17 (GEPS—NPR 17) to the Competitive Products List, Including a Proposal for a GEPS—NPR 17 Model Contract Template and an Application for Non-Public Treatment of Materials Filed Under Seal, April 18, 2025 (Petition). The Postal Service also concurrently filed Library Reference USPS–RM2025–8–NP1. Notice of the United States Postal Service of Filing USPS–RM2025–8–NP1, April 18, 2025.

² Docket No. RM2023–5, Final Order Amending Rules Regarding Competitive Negotiated Service Agreements, August 9, 2024, at 4 (Order No. 7353).

³ *Id.* at 6 (citing Docket Nos. MC2024–231 and CP2024–237, Order Adding Global Expedited Package Services (GEPS)—Non-Published Rates 16 to the Competitive Product List, May 22, 2024 (Order No. 7127)).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102898; File No. SR–NYSE–2025–12]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of a Proposed Rule Change To Amend the Virtual Control Circuit Service in the Connectivity Fee Schedule

April 22, 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 7, 2025, New York Stock Exchange LLC (“NYSE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the virtual control circuit service in the Connectivity Fee Schedule (“Fee Schedule”) to include connectivity to the NYSE, NYSE American LLC, and NYSE Arca, Inc. trading floors. 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the virtual control circuit (“VCC”) service in the Fee Schedule to include connectivity to the NYSE, NYSE American LLC (“NYSE American”), and NYSE Arca, Inc. (“NYSE Arca”) trading floors (“Trading Floors”).⁴

Currently, the Fee Schedule includes VCC services, which may be between two Users⁵ in the Mahwah, New Jersey data center (“MDC”),⁶ a User inside the MDC and another party outside of the MDC at a remote access center, or a User inside the MDC and the same User outside of the MDC at a remote access center.⁷

The Exchange proposes to amend the Fee Schedule to include connections between the MDC and a Trading Floor, which may be between a User and itself on the Trading Floor or between the User and a third party on the Trading Floor. More specifically, a User may have a unicast connection through which it can establish a connection between the MDC and a Trading Floor over dedicated bandwidth (“TF Connections”).⁸ Such a TF Connection can be in the form of a VCC between the MDC and a single Trading Floor (“TF

⁴ “Trading Floor” is used as defined in, as applicable, NYSE Rule 6A (Trading Floor), NYSE American Scope of Terms (17), and NYSE Arca Rule 1 (Definitions), Floor, Trading Floor and Options Trading Floor. NYSE National, Inc. and NYSE Texas, Inc. do not have trading floors.

⁵ For purposes of the Exchange’s colocation services, a “User” means any market participant that requests to receive colocation services directly from the Exchange. See Securities Exchange Act Release No. 76008 (September 29, 2015), 80 FR 60190 (October 5, 2015) (SR–NYSE–2015–40). As specified in the Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by NYSE American, NYSE Arca, NYSE National, Inc. and NYSE Texas, Inc. (together, the “Affiliate SROs”). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein. See SR–NYSEAMER–2025–21, SR–NYSEARCA–2025–29, SR–NYSETEX–2025–03, and SR–NYSENAT–2025–07.

⁶ Through its Fixed Income and Data Services (“FIDS”) business, Intercontinental Exchange, Inc. (“ICE”) operates the MDC. The Exchange and the Affiliate SROs are indirect subsidiaries of ICE.

⁷ See Securities Exchange Act Release No. 101582 (November 12, 2024), 89 FR 90812 (November 18, 2024) (SR–NYSE–2024–69).

⁸ Information flows over existing network connections in two formats: “unicast” format, which is a format that allows one-to-one communication, similar to a phone line, in which information is sent to and from the Exchange; and “multicast” format, which is a format in which information is sent one-way from the Exchange to multiple recipients at once, like a radio broadcast.

VCC”), or a virtual routing and forwarding service between the MDC and one or more Trading Floors (“TF VRF”). No matter what the form of the TF Connection, it runs between the MDC and the User’s or third party’s equipment physically located on a Trading Floor.

TF VCC and TF VRF connections are both TF Connections even though TF VCCs may connect to one Trading Floor and TF VRFs may connect to one or more Trading Floors, because although they are different in terms of their technical setup, they both utilize the same IGN network and thus are substantially the same in latency and reliability. A User would choose between them based on the factors that it wished, including technical preference and consistency. For example, if a User was setting up a link between the MDC and two Trading Floors, it may prefer a TF VRF, but if it had VCCs elsewhere in its setup, it may have a technological preference for a TF VCC.

The User may use its TF Connection, for example, for receiving and transmitting trading-related data, including pre- and post-trade data and clearing information. Such a use would include an options Market Maker⁹ on the NYSE American or NYSE Arca options trading floor using a computer that has their firm’s theoretical values and options market data, which they then use to provide verbal bid/offers in response to floor broker requests for quotes. A User also may also use its TF Connection for providing services to individuals physically located on the trading floor, including access to back-office systems, such as by using it to communicate with counterparts that are off the Trading Floor by email or chat. The User determines how its TF Connection is used: neither FIDS nor the Exchange has any visibility into a TF Connection.

For the avoidance of doubt, all Exchange members and member organizations,¹⁰ including without limitation NYSE floor brokers and Designated Market Makers, as well as members of NYSE American and NYSE Arca operating on their respective trading floors,¹¹ remain subject to Exchange, NYSE American and NYSE Arca rules regarding activities on the

⁹ See, as applicable, NYSE American Rule 920NY (Market Makers) and NYSE Arca Rule 6.32–O (Market Maker Defined).

¹⁰ See NYSE Rule 1.1(e) (Definitions); NYSE Rule 2(b)(i) (“Member,” “Membership,” “Member Firm,” etc.).

¹¹ These members are options market makers, specialists and floor brokers. See generally 15 U.S.C. 78c(a)(3)(A).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

relevant Trading Floor. The proposed connections from the MDC to a Trading Floor do not contravene or limit such rules or the ability of the Exchange, NYSE American or NYSE Arca to surveil for compliance with such rules, including without limitation NYSE Rules 36 (Communications Between Exchange and Members Offices), 98 (Operation of a DMM Unit), and 104 (Dealings and Responsibilities of DMMs). All Exchange, NYSE American or NYSE Arca rules would continue to apply, including any rules regarding limitations on the use of electronic communications from or to the Trading Floor.

All TF Connections must be authorized by both parties to the connection before FIDS will establish a connection. Establishing a User's TF Connection will not give FIDS or the Exchange any right to use the relevant exchange's system. A TF Connection will not provide direct access or order entry to the Exchange's execution system, and a User's TF Connection will not be through the Exchange's execution system.

No change to the existing fee is proposed. As with the existing VCC service, when a User requests a TF Connection, it would identify the size of bandwidth connection it required, and the monthly charge for the TF

Connection would be based on the size of the bandwidth requested.

While the proposed fees for the TF VCC and TF VRF are identical, the amount of the monthly fee may differ based on whether the form chosen by the User is a TF VCC or TF VRF. This is because the TF VCC connects the MDC to one Trading Floor, while the TF VRF may connect the MDC to more than one Trading Floor. Accordingly, the Exchange proposes to add a note to the Fee Schedule to clarify the difference between the two.

To make the change, the Exchange proposes to amend the Fee Schedule as follows (new text italicized):

Type of service	Description (Mb)	Amount of charge (monthly charge)
<i>Virtual Routing and Forwarding service to Trading Floor or Virtual Control Circuit *</i>	1	\$200
	3	400
	5	500
	10	800
	25	1,200
	50	1,800
	100	2,500

**A virtual control circuit ("VCC") is between the Mahwah data center and a single end point, including a Trading Floor, while a virtual routing and forwarding service ("VRF") can be between the Mahwah data center and one or more Trading Floors. If the User chooses VCCs or a combination of a VCC and a VRF for connectivity to several Trading Floors, it will be charged separately for each connection. If the User chooses one VRF for connectivity to multiple trading floors, the User will be charged for one connection.*

General

The proposed rule change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally. As is currently the case, the Fee Schedule would be applied uniformly to all Users. FIDS does not expect that the proposed rule change will result in new Users.

Use of the services proposed in this filing are completely voluntary and available to all Users on a non-discriminatory basis.

The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that customers would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹² in general, and furthers the objectives of Section 6(b)(5) of the Act,¹³ in particular, because 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 and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,¹⁴ because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable.

In considering the reasonableness of proposed services and fees, the Commission's market-based test considers "whether the exchange was subject to significant competitive forces in setting the terms of its proposal . . . , including the level of any fees."¹⁵ If the Exchange meets that

burden, "the Commission will find that its proposal is consistent with the Act unless 'there is a substantial countervailing basis to find that the terms' of the proposal violate the Act or the rules thereunder."¹⁶ Here, the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because substantially similar substitutes are available, and the third-party vendors are not at a competitive disadvantage created by the Exchange.

In 2013 the MDC opened two meet-me-rooms to telecommunications service providers ("Telecoms"),¹⁷ to enable Telecoms to offer circuits into

2020) (Order Granting Accelerated Approval to Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Wireless Market Data Connections) (SR-NYSE-2020-05, SR-NYSEAMER-2020-05, SR-NYSEArca-2020-08, SR-NYSECHX-2020-02, SR-NYSEAT-2020-03, SR-NYSE-2020-11, SR-NYSEAMER-2020-10, SR-NYSEArca-2020-15, SR-NYSECHX-2020-05, SR-NYSEAT-2020-08) ("Wireless Approval Order"), citing Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74781 (December 9, 2008) ("2008 ArcaBook Approval Order"). See *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010).

¹⁶ Wireless Approval Order, *supra* note 15, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 15, at 74781.

¹⁷ Telecoms are licensed by the Federal Communications Commission and are not required to be, or be affiliated with, a member of the Exchange or an Affiliate SRO.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ 15 U.S.C. 78f(b)(4).

¹⁵ Securities Exchange Act Release No. 90209 (October 15, 2020), 85 FR 67044, 67049 (October 21,

the MDC. The TF Connections compete with circuits currently offered by the 16 third-party Telecoms that have installed their equipment in the MDC's two meet-me-rooms.

The Telecom circuits (including any circuit-based network services a Telecom may offer) are reasonable substitutes for TF Connections. The Commission has recognized that products do not need to be identical to be considered substitutable; it is sufficient that they be substantially similar.¹⁸

Telecoms can provide Users with connections to the Trading Floors. Specifically, Telecoms can connect to a Trading Floor entity's equipment in the same building as the Trading Floor. That connection would then extend to the Trading Floor through the relevant exchange's network and infrastructure. The path the traffic takes from the MDC to the Trading Floor, to the extent that FIDS controls it, is similar irrespective of whether the service is provided by a Telecom or FIDS. Those pathways are not normalized within an exchange building, but they do not need to be, and the Exchange believes that Users have no expectation that they would be. As described above, these connections are not used for latency-sensitive trading data, but rather for trading-related data or more conventional communications such as email or chat with the User's back office. While Users expect such connections to be reliable and work at a reasonable speed, the Exchange believes that they have no expectation that these connections would be latency sensitive, as they would when transmitting trading data from co-location to the matching engine within the MDC. In other words, the circuits provided by the Telecoms directly compete with the TF Connections.

The providers of the TF Connection and Telecom circuits design them to perform with particular combinations of equipment, latency, bandwidth, price, termination point, and other factors that they believe will attract Users, and Users choose from among these competing services on the basis of their business needs.

The TF Connections are sufficiently similar substitutes to the circuits offered by the 16 Telecoms. While neither the Exchange nor FIDS knows the end point of any particular Telecom circuit, the Exchange understands that the Telecoms can offer circuits terminating in any location, including the Trading

Floors.¹⁹ Moreover, the Telecoms may offer smaller circuits that are the same as or similar size to the TF Connections. Ultimately, Users can choose to configure their pathway in the way that best suits their business needs.

The TF Connections do not have a distance or latency advantage over the Telecoms' circuits within the MDC. FIDS has normalized (a) the distance between the meet-me-rooms and the colocation halls and (b) the distance between the rooms where the FIDS circuits and the TF Connections exit the MDC and the colocation halls. As a result, a User choosing whether to use the TF Connections or Telecom circuits does not face any difference in the distances or latency within the MDC. The Exchange is not aware of any differences under its control that give the Exchange a latency advantage.

The Exchange also believes that the TF Connections do not have any bandwidth advantage or substantial distance advantage over the Telecoms' circuits within the buildings of the Trading Floors. The Exchange believes that the Telecoms offer circuits with a variety of latency and bandwidth specifications, some of which may exceed the specifications of the TF Connections.²⁰ The Exchange believes that Users consider these latency and bandwidth factors—as well as other factors, such as equipment, price and termination point—in determining which offerings will best serve their business needs.

In sum, the Exchange is not aware of anything that would make the Telecoms' circuits inadequate substitutes for the TF Connections.

Nor does the Exchange have a competitive advantage over any third-party competitors by virtue of the fact that it owns and operates the MDC's meet-me-rooms. In most cases, circuits coming out of the MDC are provided by the Telecoms.²¹ Currently, 16 Telecoms operate in the meet-me-rooms and provide a variety of circuit choices. It is

¹⁹ Specifically, any Telecom can connect to a Trading Floor's equipment in the same building as the Trading Floor. That connection would then extend to the Trading Floor through the relevant exchange's network and infrastructure.

²⁰ The specifications of FIDS's competitors' circuits are not publicly known. The Exchange understands that FIDS has gleaned any information it has about its competitors through anecdotal communications, by observing customers' purchasing choices in the competitive market, and from its own experience as a purchaser of circuits from telecommunications providers to build FIDS's own networks.

²¹ Note that in the case of wireless connectivity, a User still requires a fiber circuit to transport data. If a Telecom is used, the data is transmitted wirelessly to the relevant pole, and then from the pole to the meet-me-room using a fiber circuit.

in the Exchange's best interest to set the fees that Telecoms pay to operate in the meet-me-rooms at a reasonable level²² so that market participants, including Telecoms, will maximize their use of the MDC. By setting the meet-me-room fees at a reasonable level, the Exchange encourages Telecoms to participate in the meet-me-rooms and to sell circuits to Users for connecting into and out of the MDC. These Telecoms then compete with each other by pricing such circuits at competitive rates. These competitive rates for circuits help draw in more Users and Hosted Customers to the MDC, which directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to many third-party data feeds, and because having more Users and Hosted Customers leads, in many cases, to greater participation on the Exchange. In this way, by setting the meet-me-room fees at a level attractive to telecommunications firms, the Exchange spurs demand for all of the services it sells at the MDC, while setting the meet-me-room fees too high would negatively affect the Exchange's ability to sell its services at the MDC.²³ Accordingly, there are real constraints on the meet-me-room fees the Exchange charges, such that the Exchange does not have an advantage in terms of costs when compared to third parties that enter the MDC through the meet-me-rooms to provide services to compete with the Exchange's services.

If anything, the Exchange would be subject to a competitive disadvantage vis-à-vis the Telecoms. They are not subject to the Commission's filing requirements, and therefore can freely change their services and pricing in response to competitive forces. In contrast, the Exchange's service and pricing would be standardized as set out in this filing, and the Exchange would be unable to respond to pricing pressure from its competitors without seeking a formal fee change in a filing before the Commission.

The Exchange does not propose to change the existing prices. If they were at a level that Users found to be too high, Users would likely respond by choosing one of the many alternative options offered by the 16 Telecoms. Conversely, if the prices were aimed at undercutting comparable Telecom

²² See Securities Exchange Act Release No. 97998 (July 26, 2023), 88 FR 50238 (August 1, 2023) (SR-NYSE-2023-27).

²³ See *id.* at 50241. Importantly, the Exchange is prevented from making any alteration to its meet-me-room services or fees without filing a proposal for such changes with the Commission.

¹⁸ See 2008 ArcaBook Approval Order, *supra* note 15, at 74789 and note 295 (recognizing that products need not be identical to be substitutable).

circuits, the Telecoms might reassess whether it makes financial sense for them to continue to participate in the MDC's meet-me-rooms. Their departure might negatively impact User participation in colocation and on the Exchange. As a result, the Exchange is not motivated to undercut the prices of Telecom circuits.

In sum, because the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because the Exchange believes that a substantially similar substitute for TF Connectivity is available, and the Exchange has not placed third-party vendors at a competitive disadvantage created by the Exchange, the proposed fees for the TF Connectivity are reasonable.²⁴

For these reasons, the proposed change is reasonable.

The Proposed Change Is Equitable

The Exchange believes that the proposed change provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because it is not designed to permit unfair discrimination between market participants. Rather, it would apply to all market participants equally.

In addition, the Exchange believes that the proposal is equitable because only Users that voluntarily select to receive TF Connectivity would be charged for it. The proposed TF Connectivity is available to all Users on an equal basis, and all Users that voluntarily choose to purchase TF Connectivity would be charged the same amount for that circuit as all other market participants purchasing that type of TF Connectivity or a VCC.

The Exchange believes that it is equitable that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN network, and therefore substantially the same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option that they prefer and would work best for their specific needs. The Exchange proposes to add a note to the Fee

Schedule to clarify the difference, thereby making it easier for potential purchasers of the service to assess what connectivity will best serve them.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory. The proposed change does not apply differently to distinct types or sizes of market participants. Rather, it applies to all market participants equally. The purchase of any proposed service is completely voluntary and the Fee Schedule will be applied uniformly to all market participants.

In addition, the Exchange believes that the proposal is not unfairly discriminatory because only Users that voluntarily select to receive TF Connectivity would be charged for it. TF Connectivity is available to all market participants on an equal basis, and all Users that voluntarily choose to purchase TF Connectivity are charged the same amount as all other market participants purchasing that type of TF Connectivity or a VCC.

The Exchange believes that it is not unfairly discriminatory that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN network, and therefore substantially the same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option they prefer and that would work best for their specific needs. The Exchange proposes to add a note to the Fee Schedule to clarify the difference, thereby making it easier for potential purchasers of the service to assess what connectivity will best serve them.

For the reasons above, the proposed change does not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms, and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal will not impose any burden on

competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.²⁵

The proposed change would not impose a burden on competition among national securities exchanges or among members of the Exchange.

The proposed change would enhance competition in the market for circuits transmitting data into and out of colocation at the MDC to the Trading Floors, by adding TF Connectivity to the existing VCC service, in addition to the 16 Telecoms that also sell circuits to Users. As noted above, TF Connectivity does not have any bandwidth, or other advantage over the Telecoms' circuits.²⁶ The proposal would not burden competition in the sale of such circuits, but rather, enhance it by providing Users with an additional choice for their circuit needs.

The Exchange believes that it would not be a burden on competition that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN network, and therefore substantially the same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option they prefer and that would work best for their specific needs. The Exchange proposes to add a note to the Fee Schedule to clarify the difference, thereby making it easier for potential purchasers of the service to assess what connectivity will best serve them.

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.

²⁵ 15 U.S.C. 78f(b)(8).

²⁶ The Exchange is not aware of any current latency advantage. As noted above, the pathways offered by TF Connectivity and the Telecoms are not normalized within an exchange building, but they do not need to be, and the Exchange believes that Users have no expectation that they would be. These connections are not used for latency-sensitive trading data, but rather for trading-related data or more conventional communications such as email or chat with the User's back office. While Users expect such connections to be reliable and work at a reasonable speed, the Exchange believes that they have no expectation that these connections would be latency sensitive, as they would when transmitting trading data from co-location to the matching engine within the MDC.

²⁴ See Wireless Approval Order, *supra* note 15.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSE-2025-12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-NYSE-2025-12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and

copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSE-2025-12 and should be submitted on or before May 19, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁷

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-07212 Filed 4-25-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35545; File No. 812-15748]

Jefferies Finance LLC, et al.

April 22, 2025.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the "Act") and rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies ("BDCs") and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities. The requested order includes streamlined terms and conditions as compared to past comparable orders.

APPLICANTS: Jefferies Finance LLC, Jefferies Credit Partners LLC, Apex Credit Partners LLC, Apex Credit Holdings LLC, Jefferies Credit Management LLC, Jefferies Credit Partners BDC Inc., Senior Credit Investments, LLC, Massachusetts Mutual Life Insurance Company and certain of their affiliated entities as described in Appendix A to the application.

FILING DATES: The application was filed on April 8, 2025, and amended on April 17, 2025.

²⁷ 17 CFR 200.30-3(a)(12).

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at Secretarys-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on May 19, 2025, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at Secretarys-Office@sec.gov.

ADDRESSES: The Commission: Secretarys-Office@sec.gov. Applicants: Adam Klepack, General Counsel, Jefferies Finance LLC, aklepack@jefferies.com, Ryan P. Brizek, Simpson Thacher & Bartlett, LLP, Ryan.Brizek@stblaw.com and Patrick R. Hall, Simpson Thacher & Bartlett, LLP, Patrick.Hall@stblaw.com.

FOR FURTHER INFORMATION CONTACT: Adam Large, Senior Special Counsel, Laura Solomon, Senior Counsel, or Daniele Marchesani, Assistant Chief Counsel, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' amended application, dated April 17, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/companysearch.html>. You may also call the SEC's Office of Investor Education and Advocacy at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-07196 Filed 4-25-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102899; File No. SR–NYSEARCA–2025–29]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of a Proposed Rule Change To Amend the Virtual Control Circuit Service in the Connectivity Fee Schedule

April 22, 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 7, 2025, NYSE Arca, Inc. (“NYSE Arca” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the virtual control circuit service in the Connectivity Fee Schedule (“Fee Schedule”) to include connectivity to the New York Stock Exchange LLC, NYSE American LLC, and NYSE Arca trading floors. The proposed rule change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the virtual control circuit (“VCC”) service in the Fee Schedule to include connectivity to the New York Stock Exchange LLC (“NYSE”), NYSE American LLC (“NYSE American”), and NYSE Arca trading floors (“Trading Floors”).⁴

Currently, the Fee Schedule includes VCC services, which may be between two Users⁵ in the Mahwah, New Jersey data center (“MDC”),⁶ a User inside the MDC and another party outside of the MDC at a remote access center, or a User inside the MDC and the same User outside of the MDC at a remote access center.⁷

The Exchange proposes to amend the Fee Schedule to include connections between the MDC and a Trading Floor, which may be between a User and itself on the Trading Floor or between the User and a third party on the Trading Floor. More specifically, a User may have a unicast connection through which it can establish a connection between the MDC and a Trading Floor over dedicated bandwidth (“TF Connections”).⁸ Such a TF Connection can be in the form of a VCC between the MDC and a single Trading Floor (“TF

⁴ “Trading Floor” is used as defined in, as applicable, NYSE Rule 6A (Trading Floor), NYSE American Scope of Terms (17), and NYSE Arca Rule 1 (Definitions), Floor, Trading Floor and Options Trading Floor. NYSE National, Inc. and NYSE Texas, Inc. do not have trading floors.

⁵ For purposes of the Exchange’s colocation services, a “User” means any market participant that requests to receive colocation services directly from the Exchange. See Securities Exchange Act Release No. 76010 (September 29, 2015), 80 FR 60197 (October 5, 2015) (SR–NYSEArca–2015–82). As specified in the Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by the NYSE, NYSE American, NYSE National, Inc. and NYSE Texas, Inc. (together, the “Affiliate SROs”). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein. See SR–NYSE–2025–12, SR–NYSEAMER–2025–21, SR–NYSETEX–2025–03, and SR–NYSENAT–2025–07.

⁶ Through its Fixed Income and Data Services (“FIDS”) business, Intercontinental Exchange, Inc. (“ICE”) operates the MDC. The Exchange and the Affiliate SROs are indirect subsidiaries of ICE.

⁷ See Securities Exchange Act Release No. 101576 (November 12, 2024), 80 FR 90775 (November 18, 2024) (SR–NYSEArca–2024–91).

⁸ Information flows over existing network connections in two formats: “unicast” format, which is a format that allows one-to-one communication, similar to a phone line, in which information is sent to and from the Exchange; and “multicast” format, which is a format in which information is sent one-way from the Exchange to multiple recipients at once, like a radio broadcast.

VCC”), or a virtual routing and forwarding service between the MDC and one or more Trading Floors (“TF VRF”). No matter what the form of the TF Connection, it runs between the MDC and the User’s or third party’s equipment physically located on a Trading Floor.

TF VCC and TF VRF connections are both TF Connections even though TF VCCs may connect to one Trading Floor and TF VRFs may connect to one or more Trading Floors, because although they are different in terms of their technical setup, they both utilize the same IGN network and thus are substantially the same in latency and reliability. A User would choose between them based on the factors that it wished, including technical preference and consistency. For example, if a User was setting up a link between the MDC and two Trading Floors, it may prefer a TF VRF, but if it had VCCs elsewhere in its setup, it may have a technological preference for a TF VCC.

The User may use its TF Connection, for example, for receiving and transmitting trading-related data, including pre- and post-trade data and clearing information. Such a use would include an options Market Maker⁹ on the NYSE American or NYSE Arca options trading floor using a computer that has their firm’s theoretical values and options market data, which they then use to provide verbal bid/offers in response to floor broker requests for quotes. A User also may also use its TF Connection for providing services to individuals physically located on the trading floor, including access to back-office systems, such as by using it to communicate with counterparts that are off the Trading Floor by email or chat. The User determines how its TF Connection is used: neither FIDS nor the Exchange has any visibility into a TF Connection.

For the avoidance of doubt, all Exchange OTP Holders and OTP Firms,¹⁰ including without limitation market makers, specialists and floor brokers, as well as NYSE and NYSE American members operating on their respective trading floors,¹¹ remain subject to Exchange, NYSE and NYSE American rules regarding activities on the relevant Trading Floor. The proposed connections from the MDC to

⁹ See, as applicable, NYSE American Rule 920NY (Market Makers) and NYSE Arca Rule 6.32–O (Market Maker Defined).

¹⁰ See NYSE Arca Rule 1.1 (Definitions).

¹¹ These members are NYSE equities floor brokers and Designated Market Makers and NYSE American options market makers, specialists and floor brokers. See generally 15 U.S.C. 78c(a)(3)(A).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

a Trading Floor do not contravene or limit such rules or the ability of the Exchange, NYSE or NYSE American to surveil for compliance with such rules, including without limitation NYSE Rules 36 (Communications Between Exchange and Members Offices), 98 (Operation of a DMM Unit), and 104 (Dealings and Responsibilities of DMMs). All Exchange, NYSE or NYSE American rules would continue to apply, including any rules regarding limitations on the use of electronic communications from or to the Trading Floor.

All TF Connections must be authorized by both parties to the

connection before FIDS will establish a connection. Establishing a User's TF Connection will not give FIDS or the Exchange any right to use the relevant exchange's system. A TF Connection will not provide direct access or order entry to the Exchange's execution system, and a User's TF Connection will not be through the Exchange's execution system.

No change to the existing fee is proposed. As with the existing VCC service, when a User requests a TF Connection, it would identify the size of bandwidth connection it required, and the monthly charge for the TF

Connection would be based on the size of the bandwidth requested.

While the proposed fees for the TF VCC and TF VRF are identical, the amount of the monthly fee may differ based on whether the form chosen by the User is a TF VCC or TF VRF. This is because the TF VCC connects the MDC to one Trading Floor, while the TF VRF may connect the MDC to more than one Trading Floor. Accordingly, the Exchange proposes to add a note to the Fee Schedule to clarify the difference between the two.

To make the change, the Exchange proposes to amend the Fee Schedule as follows (new text italicized):

Type of service	Description (Mb)	Amount of charge (monthly charge)
<i>Virtual Routing and Forwarding service to Trading Floor or Virtual Control Circuit *</i>	1	\$200
	3	400
	5	500
	10	800
	25	1,200
	50	1,800
	100	2,500

* A virtual control circuit ("VCC") is between the Mahwah data center and a single end point, including a Trading Floor, while a virtual routing and forwarding service ("VRF") can be between the Mahwah data center and one or more Trading Floors. If the User chooses VCCs or a combination of a VCC and a VRF for connectivity to several Trading Floors, it will be charged separately for each connection. If the User chooses one VRF for connectivity to multiple trading floors, the User will be charged for one connection.

General

The proposed rule change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally. As is currently the case, the Fee Schedule would be applied uniformly to all Users. FIDS does not expect that the proposed rule change will result in new Users.

Use of the services proposed in this filing are completely voluntary and available to all Users on a non-discriminatory basis.

The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that customers would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹² in general, and furthers the objectives of Section 6(b)(5) of the Act,¹³ in particular, because 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 and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,¹⁴ because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable.

In considering the reasonableness of proposed services and fees, the Commission's market-based test considers "whether the exchange was subject to significant competitive forces in setting the terms of its proposal . . . , including the level of any fees."¹⁵ If the Exchange meets that

burden, "the Commission will find that its proposal is consistent with the Act unless 'there is a substantial countervailing basis to find that the terms' of the proposal violate the Act or the rules thereunder."¹⁶ Here, the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because substantially similar substitutes are available, and the third-party vendors are not at a competitive disadvantage created by the Exchange.

In 2013 the MDC opened two meet-me-rooms to telecommunications service providers ("Telecoms"),¹⁷ to enable Telecoms to offer circuits into the MDC. The TF Connections compete with circuits currently offered by the 16

Available Wireless Bandwidth Connections and Wireless Market Data Connections) (SR-NYSE-2020-05, SR-NYSEAMER-2020-05, SR-NYSEArca-2020-08, SR-NYSECHX-2020-02, SR-NYSEAT-2020-03, SR-NYSE-2020-11, SR-NYSEAMER-2020-10, SR-NYSEArca-2020-15, SR-NYSECHX-2020-05, SR-NYSEAT-2020-08) ("Wireless Approval Order"), citing Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74781 (December 9, 2008) ("2008 ArcaBook Approval Order"). See *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010).

¹⁶ Wireless Approval Order, *supra* note 15, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 15, at 74781.

¹⁷ Telecoms are licensed by the Federal Communications Commission and are not required to be, or be affiliated with, a member of the Exchange or an Affiliate SRO.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ 15 U.S.C. 78f(b)(4).

¹⁵ Securities Exchange Act Release No. 90209 (October 15, 2020), 85 FR 67044, 67049 (October 21, 2020) (Order Granting Accelerated Approval to Establish a Wireless Fee Schedule Setting Forth

third-party Telecoms that have installed their equipment in the MDC's two meet-me-rooms.

The Telecom circuits (including any circuit-based network services a Telecom may offer) are reasonable substitutes for TF Connections. The Commission has recognized that products do not need to be identical to be considered substitutable; it is sufficient that they be substantially similar.¹⁸

Telecoms can provide Users with connections to the Trading Floors. Specifically, Telecoms can connect to a Trading Floor entity's equipment in the same building as the Trading Floor. That connection would then extend to the Trading Floor through the relevant exchange's network and infrastructure. The path the traffic takes from the MDC to the Trading Floor, to the extent that FIDS controls it, is similar irrespective of whether the service is provided by a Telecom or FIDS. Those pathways are not normalized within an exchange building, but they do not need to be, and the Exchange believes that Users have no expectation that they would be. As described above, these connections are not used for latency-sensitive trading data, but rather for trading-related data or more conventional communications such as email or chat with the User's back office. While Users expect such connections to be reliable and work at a reasonable speed, the Exchange believes that they have no expectation that these connections would be latency sensitive, as they would when transmitting trading data from co-location to the matching engine within the MDC. In other words, the circuits provided by the Telecoms directly compete with the TF Connections.

The providers of the TF Connection and Telecom circuits design them to perform with particular combinations of equipment, latency, bandwidth, price, termination point, and other factors that they believe will attract Users, and Users choose from among these competing services on the basis of their business needs.

The TF Connections are sufficiently similar substitutes to the circuits offered by the 16 Telecoms. While neither the Exchange nor FIDS knows the end point of any particular Telecom circuit, the Exchange understands that the Telecoms can offer circuits terminating in any location, including the Trading Floors.¹⁹ Moreover, the Telecoms may

offer smaller circuits that are the same as or similar size to the TF Connections. Ultimately, Users can choose to configure their pathway in the way that best suits their business needs.

The TF Connections do not have a distance or latency advantage over the Telecoms' circuits within the MDC. FIDS has normalized (a) the distance between the meet-me-rooms and the colocation halls and (b) the distance between the rooms where the FIDS circuits and the TF Connections exit the MDC and the colocation halls. As a result, a User choosing whether to use the TF Connections or Telecom circuits does not face any difference in the distances or latency within the MDC. The Exchange is not aware of any differences under its control that give the Exchange a latency advantage.

The Exchange also believes that the TF Connections do not have any bandwidth advantage or substantial distance advantage over the Telecoms' circuits within the buildings of the Trading Floors. The Exchange believes that the Telecoms offer circuits with a variety of latency and bandwidth specifications, some of which may exceed the specifications of the TF Connections.²⁰ The Exchange believes that Users consider these latency and bandwidth factors—as well as other factors, such as equipment, price and termination point—in determining which offerings will best serve their business needs.

In sum, the Exchange is not aware of anything that would make the Telecoms' circuits inadequate substitutes for the TF Connections.

Nor does the Exchange have a competitive advantage over any third-party competitors by virtue of the fact that it owns and operates the MDC's meet-me-rooms. In most cases, circuits coming out of the MDC are provided by the Telecoms.²¹ Currently, 16 Telecoms operate in the meet-me-rooms and provide a variety of circuit choices. It is in the Exchange's best interest to set the fees that Telecoms pay to operate in the

the Trading Floor. That connection would then extend to the Trading Floor through the relevant exchange's network and infrastructure.

²⁰ The specifications of FIDS's competitors' circuits are not publicly known. The Exchange understands that FIDS has gleaned any information it has about its competitors through anecdotal communications, by observing customers' purchasing choices in the competitive market, and from its own experience as a purchaser of circuits from telecommunications providers to build FIDS's own networks.

²¹ Note that in the case of wireless connectivity, a User still requires a fiber circuit to transport data. If a Telecom is used, the data is transmitted wirelessly to the relevant pole, and then from the pole to the meet-me-room using a fiber circuit.

meet-me-rooms at a reasonable level²² so that market participants, including Telecoms, will maximize their use of the MDC. By setting the meet-me-room fees at a reasonable level, the Exchange encourages Telecoms to participate in the meet-me-rooms and to sell circuits to Users for connecting into and out of the MDC. These Telecoms then compete with each other by pricing such circuits at competitive rates. These competitive rates for circuits help draw in more Users and Hosted Customers to the MDC, which directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to many third-party data feeds, and because having more Users and Hosted Customers leads, in many cases, to greater participation on the Exchange. In this way, by setting the meet-me-room fees at a level attractive to telecommunications firms, the Exchange spurs demand for all of the services it sells at the MDC, while setting the meet-me-room fees too high would negatively affect the Exchange's ability to sell its services at the MDC.²³ Accordingly, there are real constraints on the meet-me-room fees the Exchange charges, such that the Exchange does not have an advantage in terms of costs when compared to third parties that enter the MDC through the meet-me-rooms to provide services to compete with the Exchange's services.

If anything, the Exchange would be subject to a competitive disadvantage vis-à-vis the Telecoms. They are not subject to the Commission's filing requirements, and therefore can freely change their services and pricing in response to competitive forces. In contrast, the Exchange's service and pricing would be standardized as set out in this filing, and the Exchange would be unable to respond to pricing pressure from its competitors without seeking a formal fee change in a filing before the Commission.

The Exchange does not propose to change the existing prices. If they were at a level that Users found to be too high, Users would likely respond by choosing one of the many alternative options offered by the 16 Telecoms. Conversely, if the prices were aimed at undercutting comparable Telecom circuits, the Telecoms might reassess whether it makes financial sense for

¹⁸ See 2008 ArcaBook Approval Order, *supra* note 15, at 74789 and note 295 (recognizing that products need not be identical to be substitutable).

¹⁹ Specifically, any Telecom can connect to a Trading Floor's equipment in the same building as

²² See Securities Exchange Act Release No. 98000 (July 26, 2023), 88 FR 50244 (August 1, 2023) (SR-NYSEArca-2023-47).

²³ See *id.* at 50246. Importantly, the Exchange is prevented from making any alteration to its meet-me-room services or fees without filing a proposal for such changes with the Commission.

them to continue to participate in the MDC's meet-me-rooms. Their departure might negatively impact User participation in colocation and on the Exchange. As a result, the Exchange is not motivated to undercut the prices of Telecom circuits.

In sum, because the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because the Exchange believes that a substantially similar substitute for TF Connectivity is available, and the Exchange has not placed third-party vendors at a competitive disadvantage created by the Exchange, the proposed fees for the TF Connectivity are reasonable.²⁴

For these reasons, the proposed change is reasonable.

The Proposed Change Is Equitable

The Exchange believes that the proposed change provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because it is not designed to permit unfair discrimination between market participants. Rather, it would apply to all market participants equally.

In addition, the Exchange believes that the proposal is equitable because only Users that voluntarily select to receive TF Connectivity would be charged for it. The proposed TF Connectivity is available to all Users on an equal basis, and all Users that voluntarily choose to purchase TF Connectivity would be charged the same amount for that circuit as all other market participants purchasing that type of TF Connectivity or a VCC.

The Exchange believes that it is equitable that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN network, and therefore substantially the same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option that they prefer and would work best for their specific needs. The Exchange proposes to add a note to the Fee Schedule to clarify the difference, thereby making it easier for potential

purchasers of the service to assess what connectivity will best serve them.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory. The proposed change does not apply differently to distinct types or sizes of market participants. Rather, it applies to all market participants equally. The purchase of any proposed service is completely voluntary and the Fee Schedule will be applied uniformly to all market participants.

In addition, the Exchange believes that the proposal is not unfairly discriminatory because only Users that voluntarily select to receive TF Connectivity would be charged for it. TF Connectivity is available to all market participants on an equal basis, and all Users that voluntarily choose to purchase TF Connectivity are charged the same amount as all other market participants purchasing that type of TF Connectivity or a VCC.

The Exchange believes that it is not unfairly discriminatory that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN network, and therefore substantially the same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option they prefer and that would work best for their specific needs. The Exchange proposes to add a note to the Fee Schedule to clarify the difference, thereby making it easier for potential purchasers of the service to assess what connectivity will best serve them.

For the reasons above, the proposed change does not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms, and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal will not impose any burden on competition that is not necessary or

appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.²⁵

The proposed change would not impose a burden on competition among national securities exchanges or among members of the Exchange.

The proposed change would enhance competition in the market for circuits transmitting data into and out of colocation at the MDC to the Trading Floors, by adding TF Connectivity to the existing VCC service, in addition to the 16 Telecoms that also sell circuits to Users. As noted above, TF Connectivity does not have any bandwidth, or other advantage over the Telecoms' circuits.²⁶ The proposal would not burden competition in the sale of such circuits, but rather, enhance it by providing Users with an additional choice for their circuit needs.

The Exchange believes that it would not be a burden on competition that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN network, and therefore substantially the same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option they prefer and that would work best for their specific needs. The Exchange proposes to add a note to the Fee Schedule to clarify the difference, thereby making it easier for potential purchasers of the service to assess what connectivity will best serve them.

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.

²⁵ 15 U.S.C. 78f(b)(8).

²⁶ The Exchange is not aware of any current latency advantage. As noted above, the pathways offered by TF Connectivity and the Telecoms are not normalized within an exchange building, but they do not need to be, and the Exchange believes that Users have no expectation that they would be. These connections are not used for latency-sensitive trading data, but rather for trading-related data or more conventional communications such as email or chat with the User's back office. While Users expect such connections to be reliable and work at a reasonable speed, the Exchange believes that they have no expectation that these connections would be latency sensitive, as they would when transmitting trading data from co-location to the matching engine within the MDC.

²⁴ See Wireless Approval Order, *supra* note 15.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEARCA-2025-29 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-NYSEARCA-2025-29. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also

will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSEARCA-2025-29 and should be submitted on or before May 19, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁷

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-07213 Filed 4-25-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102910; File No. SR-FICC-2025-010]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Proposed Rule Change To Amend the Recovery and Wind-Down Plan To Satisfy the Requirements of Exchange Act Rule 17ad-26

April 22, 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 16, 2025, Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency.³ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The R&W Plan was adopted in August 2018, has been amended over time to

reflect changes since its adoption,⁴ and is maintained by FICC for compliance with Rule 17ad-22(e)(3)(ii) under the Act.⁵ Rule 17ad-22(e)(3)(ii) requires registered clearing agencies to, in short, establish, implement and maintain plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses. The Plan is intended to be used by the Board and FICC management in the event FICC encounters scenarios that could potentially prevent it from being able to provide its critical services to the marketplace as a going concern. The R&W Plan is managed by the Office of Recovery & Resolution Planning (referred to in the Plan as the "R&R Team") of FICC's parent company, the Depository Trust & Clearing Corporation ("DTCC"),⁶ on behalf of FICC, with review and oversight by the DTCC Executive Committee and the Board.

The R&W Plan is comprised of two primary sections: (i) the "Recovery Plan," which sets out the tools and strategies to enable FICC to recover, in the event it experiences losses that exceed its prefunded resources, and (ii) the "Wind-down Plan," which describes the tools and strategies to be used to conduct an orderly wind-down of FICC's business in a manner designed to permit the continuation of FICC's critical services in the event that its recovery efforts are not successful.

The purpose of the rule proposal is to amend the R&W Plan to satisfy the requirements of new Exchange Act Rule 17ad-26⁷ (the "RWP Rule" or "Rule 17ad-26"), which codifies the

⁴ See Securities Exchange Act Release Nos. 83973 (Aug. 28, 2018), 83 FR 44942 (Sept. 4, 2018) (SR-FICC-2017-021); 83954 (Aug. 27, 2018), 83 FR 44361 (Aug. 30, 2018) (SR-FICC-2017-805); 98335 (Sept. 8, 2023), 88 FR 63157 (Sept. 14, 2023) (SR-FICC-2023-013); 91430 (Mar. 29, 2021), 86 FR 17432 (Apr. 2, 2021) (SR-FICC-2021-002); and 102755 (Apr. 1, 2025), 90 FR 15013 (Apr. 7, 2025) (SR-FICC-2025-007).

⁵ 17 CFR 240.17ad-22(e)(3)(ii). FICC is a "covered clearing agency" as defined in Rule 17ad-22(a)(5) under the Act and must comply with paragraph (e) of Rule 17ad-22. In 2012, FICC was designated a systemically important financial market utility ("SIFMU") by the Financial Stability Oversight Council ("FSOC").

⁶ DTCC operates on a shared service model with respect to FICC and its other affiliated clearing agencies, The Depository Trust Company ("DTC") and National Securities Clearing Corporation ("NSCC"). Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides relevant services to FICC, DTC and NSCC (collectively, the "Clearing Agencies").

⁷ Covered Clearing Agency Resilience and Recovery and Orderly Wind-down Plan, Exchange Act Release No. 101446 (October 25, 2024), 89 FR 91000 (November 18, 2024) (S7-10-23).

²⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Capitalized terms not defined herein are defined in the FICC Government Securities Division ("GSD") Rulebook (the "GSD Rules") or the FICC Mortgage-Backed Securities Division ("MBS") Clearing Rules (the "MBS Rules," and collectively with the GSD Rules, the "Rules"), available at www.dtcc.com/legal/rules-and-procedures, or in the Recovery & Wind-down Plan of FICC (the "R&W Plan" or "Plan").

definitions of “Recovery”⁸ and “Orderly wind-down,”⁹ and requires that plans for the recovery and orderly wind-down of a covered clearing agency, such as FICC, identify and include certain specific elements.¹⁰ In addition to incorporating the required elements into the Plan, the rule proposal would also make other conforming updates and technical revisions consistent with the RWP Rule, including incorporating key terms as defined in Rule 17ad–26. FICC believes that by helping to ensure that the R&W Plan meets the requirements of Rule 17ad–26 and making necessary amendments and technical revisions that provide additional clarity, the proposed rule change will help FICC ensure that, in times of extreme market stress, the Plan can ensure continuity of FICC’s critical services and enable Members to maintain access to FICC’s services through the transfer of its membership in the event FICC defaults or the Wind-down Plan is ever triggered by the Board.

II. Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

⁸ *Id.* Pursuant to Rule 17ad–26, “Recovery” means the actions of a covered clearing agency, consistent with its rules, procedures, and other *ex ante* contractual arrangements, to address any uncovered loss, liquidity shortfall, or capital inadequacy, whether arising from participant default or other causes (such as business, operational, or other structural weaknesses), including actions to replenish any depleted prefunded financial resources and liquidity arrangements, as necessary to maintain the covered clearing agency’s viability as a going concern and to continue its provision of core services, as identified by the covered clearing agency pursuant to (a)(1) of this section.”

⁹ *Id.* Pursuant to Rule 17ad–26, “Orderly wind-down” means the actions of a covered clearing agency to effect the permanent cessation, sale, or transfer of one or more of its core services, as identified by the covered clearing agency pursuant to paragraph (a)(1) of this section, in a manner that would not increase the risk of significant liquidity, credit, or operational problems spreading among financial institutions or markets and thereby threaten the stability of the U.S. financial system.”

¹⁰ *Id.* Rule 17ad–26 identifies the elements that a covered clearing agency’s RWP must contain, including: (i) elements related to planning, including the identification and use of scenarios, triggers, tools, staffing and services providers, and (ii) testing and board approval of the plans.

(A) Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Executive Summary

The R&W Plan was adopted in August 2018, has been amended over time to reflect changes since its adoption,¹¹ and is maintained by FICC for compliance with Rule 17ad–22(e)(3)(ii) under the Act.¹² Rule 17ad–22(e)(3)(ii) requires registered clearing agencies to, in short, establish, implement and maintain plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses. The Plan is intended to be used by the Board and FICC management in the event FICC encounters scenarios that could potentially prevent it from being able to provide its critical services to the marketplace as a going concern. The R&W Plan is managed by the R&R Team of FICC’s parent company, DTCC,¹³ on behalf of FICC, with review and oversight by the DTCC Executive Committee and the Board.

The R&W Plan is comprised of two primary sections: (i) the “Recovery Plan,” which sets out the tools and strategies to enable FICC to recover, in the event it experiences losses that exceed its prefunded resources, and (ii) the “Wind-down Plan,” which describes the tools and strategies to be used to conduct an orderly wind-down of FICC’s business in a manner designed to permit the continuation of FICC’s critical services in the event that its recovery efforts are not successful.

The purpose of the rule proposal is to amend the R&W Plan to satisfy the requirements of new Exchange Act Rule 17ad–26,¹⁴ which codifies the definitions of “Recovery”¹⁵ and “Orderly wind-down,”¹⁶ and requires that plans for the recovery and orderly wind-down of a covered clearing agency, such as FICC, identify and include certain specific elements.¹⁷ In addition to incorporating the required elements into the Plan, the rule proposal would also make other conforming updates and technical revisions consistent with the RWP Rule, including incorporating key terms as defined in Rule 17ad–26. FICC believes that by helping to ensure that the R&W

Plan meets the requirements of Rule 17ad–26 and making necessary amendments and technical revisions that provide additional clarity, the proposed rule change will help FICC ensure that, in times of extreme market stress, the Plan can ensure continuity of FICC’s critical services and enable Members to maintain access to FICC’s services through the transfer of its membership in the event FICC defaults or the Wind-down Plan is ever triggered by the Board.

Background

As stated above, the R&W Plan is managed by the R&R Team, with review and oversight by the DTCC Executive Committee and the Board. FICC completed its most recent review of the Plan in 2024, prior to the SEC’s adoption of Rule 17ad–26.¹⁸ The proposed rule change reflects amendments proposed to the Plan that are intended to address the requirements of Rule 17ad–26, which are described in greater detail below.

Proposed Amendments

A. Proposed Changes To Reflect the Requirements of Rule 17ad–26

FICC is proposing changes to the Plan to reflect the requirements of Rule 17ad–26. Specifically, FICC proposes to amend the Plan to incorporate a series of attachments to be added to the end of the Plan that address the requirements of Rule 17ad–26. The proposed attachments would address those requirements of the RWP Rule that are not otherwise covered by the current Plan. FICC would also add a new section to the Plan, Section 9 (Compliance with SEC Rule 17ad–26: Recovery and Orderly Wind-down Plans of Covered Clearing Agencies) describing each of the attachments.

The following are the required elements of Rule 17ad–26 with descriptions of the proposed new attachments to the Plan or, where applicable, the relevant section in which the element is already addressed in the Plan.

Rule 17ad–26(a)(1) (Core Services): This element of the RWP Rule requires, among other things, that the covered clearing agency identify and describe its core payment, clearing, and settlement services. FICC’s current Plan already includes the information necessary to satisfy this aspect of Rule 17ad–26. Therefore, other than the relevant name changes needed to replace the term “Critical” with “Core,” consistent with

¹¹ *Supra* note 4.

¹² *Supra* note 5.

¹³ *Supra* note 6.

¹⁴ *Supra* note 7.

¹⁵ *Supra* note 8.

¹⁶ *Supra* note 9.

¹⁷ *Supra* note 10.

¹⁸ *Supra* note 4.

the RWP Rule¹⁹ the rule proposal would not amend this portion of the Plan. Specifically, Section 3 (Critical Services) defines the criteria for classifying certain of FICC's services as "critical,"²⁰ and identifies such critical services and the rationale for their classification. There is a table (Table 3–B: FICC Critical Services) that lists each of the services, functions or activities that FICC has identified as "critical" based on the applicability of the criteria.²¹

Rule 17ad–26(a)(1)(i) (Staffing): Attachment A–1 of the Plan would address the requirements of Rule 17ad–26(a)(1)(i), which requires that FICC include identification of the staffing roles necessary to support FICC's core services.²² Specifically, Attachment A–1 would be in the form of an Excel spreadsheet and would identify the staffing roles necessary to support the core services of FICC as identified and described in the Plan, in the event of a recovery and during an orderly wind-down. Attachment A–1 would identify the core service and describe the necessary staffing roles, broken out by the number of managers and performers required within the relevant department (for example, Operations, IT). It would also include whether the number of roles is equal to the current business as usual staffing or less and provide a rationale as to why.

Rule 17ad–26(a)(1)(ii) (Staffing Analysis): Attachment A–2 of the Plan would address the requirement in Rule 17ad–26(a)(1)(ii)²³ that FICC analyze how the staffing roles necessary to support the core services identified and described in Attachment A–1 would continue in the event of a recovery and

during an orderly wind-down. Specifically, Attachment A–2 would be an analysis that identifies the potential challenges of retaining staffing roles during a recovery or wind-down event and potential ways FICC has identified to address those challenges so that the core services can continue uninterrupted. The analysis would acknowledge that retaining staff can be particularly challenging during recovery or orderly wind-down periods as uncertainties may lead to employee apprehension. It would also reflect the fact that DTCC cannot guarantee staff retention, but that DTCC has developed various tools to mitigate potential challenges, especially the risk of loss of employees with unique or highly specialized knowledge, skills, or relationships that are critical to functioning and viability of FICC. The following are the key tools described in Attachment A–2 that FICC would consider leveraging based on the unique circumstances of the recovery and orderly wind-down event or staffing roles, (i) succession planning, (ii) retention agreements, and (iii) cross-training.

Rule 17ad–26(a)(2)(i) (Service Providers for Core Services): Attachment B–1 of the Plan would address the requirements of Rule 17ad–26(a)(2)(i), which requires FICC to identify and describe any service providers for core services ("CSPs"),²⁴ specifying which core services each service provider supports. Specifically, Attachment B–1 would be in the form of a table with the following rows of information, (i) identification of the third-party service provider for core service(s) ("TCSP"), (ii) a description of service performed by the TCSP, and (iii) identification of the relevant FICC core service(s) which the TCSP supports. With respect to the identification and description of FICC's affiliated service providers of core services, this element of Rule 17ad–26 is addressed in the current Plan in the section covering "Intercompany Arrangements."²⁵

²⁴ *Id.* Pursuant to Rule 17ad–26 (b) (Definitions), "Service provider for core services" means any person, including an affiliate or a third party, that, through a written agreement for services provided to or on behalf of the covered clearing agency, on an ongoing basis, directly supports the delivery of core services, as identified by the covered clearing agency pursuant to paragraph (a)(1) of this section."

²⁵ Section 2.4 of the Plan (Intercompany Arrangements) describes how each of the DTCC SIFMUs receives the majority of its shared or corporate support services from DTCC through intercompany agreements. It describes that services are provided by DTCC, DTCC Europe Limited, DTCC Enterprise Services India Private Limited, and DTCC Singapore Pte. Ltd. The services generally cover enterprise-wide support, including human resources, finance, information technology,

Rule 17ad–26(a)(2)(ii) (Ensure Continued Performance of Service Providers for Core Services): Attachment B–2 of the Plan would cover the requirements of Rule 17ad–26(a)(2)(ii),²⁶ which require covered clearing agencies to address how the covered clearing agency would ensure that CSPs would continue to perform in the event of a recovery and during an orderly wind-down, including consideration of its written agreements with such service providers and whether the obligations under those written agreements are subject to alteration or termination as a result of initiation of the recovery and orderly wind-down plan. Specifically, Attachment B–2 would be a summary describing, among other things, that by the compliance date of Rule 17ad–26,²⁷ FICC would review the written agreements with TCSPs that govern the services provided to FICC²⁸ and evaluate the terms and conditions covering termination and alteration of performance in the event of initiation of the Plan, and the ability of FICC to provide the services to a Transferee in the event of a wind-down.²⁹ Attachment B–2 would further provide that FICC would endeavor to amend such written agreements, if necessary, to ensure that such TCSPs would continue to perform as required by Rule 17ad–26.

With respect to FICC's affiliated CSPs, each of the relevant written agreements is designated in Table 2–A of the Plan (SIFMU Legal Entity Structure and

credit and quantitative risk, audit, legal, marketing and other services.

²⁶ *Supra* note 7.

²⁷ *Id.* The compliance date in which the proposed rule changes must be effective is by December 15, 2025.

²⁸ *See supra* note 6. As set forth in Section 8.4.2 of the Plan (Critical Services and Clearing Agency Link Arrangements), FICC utilizes a shared service model in which services are centralized in DTCC, which provides enterprise-wide shared services, staffing, infrastructure and operational support. As a result, FICC is not typically the party to the written agreements with TCSPs. Rather, these are primarily entered into by DTCC with the TCSP agreeing to provide services to DTCC and/or one or more of its affiliates, including the Clearing Agencies. Therefore, in general, the TCSP does not have a basis to terminate or suspend the performance under the written agreement based on a change in condition in respect of a Clearing Agency, especially when DTCC continues to satisfy its payment obligations for the services.

²⁹ *See supra* note 3. As described in Section 8.1 of the Plan (Introduction and Executive Summary) and in GSD Rule 22D and MBSD Rule 17B (Wind-down of the Corporation), in the event the Board determines that FICC will initiate the orderly Wind-down Plan, a "Transferee" means an entity to which the Business of the Corporation is transferred pursuant to the Wind-down Plan, and may include (i) a failover entity established by DTCC, (ii) a then-existing or newly-established third party entity or (iii) a bridge entity formed to operate the business on an interim basis.

¹⁹ *Supra* note 7.

²⁰ The criteria that is used to identify an FICC service or function as critical includes consideration as to whether (1) there is a lack of alternative providers or products; (2) the inability of FICC to act as a central counterparty through either Division would increase Members' credit risk and disrupt their ability to initiate new transactions; (3) The failure or disruption of the multilateral netting performed by each FICC Division could materially and negatively impact the volume of financial transactions and the liquidity of the U.S. Fixed Income markets; and (4) the service is interconnected with other participants and processes within the U.S. financial system (for example, with other FMIs, settlement banks, broker-dealers, and exchanges).

²¹ The following are GSD's critical services as set forth in Table 3–B: (GSD Critical Services): (1) GSD Delivery-versus-Payment (DVP) Service, (2) GSD GCF Repo® Service, (3) Centrally Cleared Institutional Triparty ("CCIT") Service, and (4) Sponsored Membership Service. The following are MBSD's critical services as set forth in Table 3–C (MBSD Critical Services): (1) MBSD Clearing, Netting and Settlement Services, and (2) MBSD Electronic Pool Notification.

²² *Supra* note 7.

²³ *Id.*

Intercompany Agreements). In order to confirm DTCC's commitment to continue to provide services to FICC in a recovery and to a Transferee in the event of an orderly wind-down, Attachment B-2 would describe that FICC would work with internal stakeholders to amend the applicable intercompany agreements to include terms and conditions that address a recovery and orderly wind-down scenario similar to those described above covering TCSPs.

Rule 17ad-26(a)(3) (Scenarios): Attachment C of the Plan would address the requirements of Rule 17ad-26(a)(3) which are that FICC identify and describe scenarios that may potentially prevent it from being able to provide its core services as identified in the Plan as a going concern. Specifically, Attachment C identifies three (3) scenarios that include uncovered credit losses, uncovered liquidity shortfalls and general business losses. For example, there is a multi-Member default scenario, a scenario involving a significant internal operational incident, and a third-party failure scenario. For each scenario, proposed Attachment C would describe, among other things, (i) the scenario type (e.g., uncovered credit loss, uncovered liquidity loss, general business loss), (ii) the scenario background in terms of the cause of the circumstances, and (iii) the severely adverse market conditions associated with or resulting from the scenario.

Rule 17ad-26(a)(4) (Triggers): This element of the RWP Rule requires that FICC identify and describe the criteria that could trigger FICC's implementation of the Plan and the process that FICC uses to monitor and determine whether the criteria have been met, including FICC's governance arrangements applicable to such process.³⁰ FICC's current Plan already includes the information necessary to satisfy this aspect of Rule 17ad-26. Specifically, the rule proposal would take the existing language in the Plan that describes the criteria for FICC's entry into the Recovery Phase³¹ and implementation of the Recovery Plan and move it into a new separate section of the Plan, Section 5.3 (The Recovery Plan Trigger).³² In addition, with respect

to the trigger for an orderly wind-down of FICC, current Section 8.4.3 (Triggers for Implementing Wind-down) as well as GSD Rule 22D and MBSD Rule 17B (Wind-down of the Corporation), Section 2 (Initiation of the Wind-down Plan) describe the trigger for implementation of the Wind-down Plan and the associated governance process by the Board.³³

Rule 17ad-26(a)(5) and Rule 17ad-26(a)(6) (Rules, Policies, Procedures, and Tools): Attachment D of the Plan would address the requirements of Rule 17ad-26(a)(5) and Rule 17ad-25(a)(6),³⁴ which require covered clearing agencies to (i) identify and describe the rules, policies, procedures and any other tools or resources on which the covered clearing agency would rely in a recovery or orderly wind-down, and (ii) address how such rules, policies, procedures and any other tools or resources would ensure timely implementation of the Plan. Specifically, Attachment D would be in the form of a two-part table that would include the following column headings: (i) "Tools and Resources," (ii) "Relevant Rules, Policies and Procedures," and (iii) "Responsible Body/Personnel" necessary for their governance and implementation. Each row of the table would include this information for each of FICC's loss allocation waterfall tools (Part 1 of the table) and for each of FICC's liquidity resources (Part 2 of the table).³⁵ Because the Plan already includes a table that describes FICC's loss waterfall tools (Table 5-B)³⁶ and a table that describes

provided in GSD Rule 4 and MBSD Rule 4, the first Loss Allocation Notice in a second or subsequent round will specify that a second (or subsequent) round has commenced.

³³ *Supra* note 4. Pursuant to Section 8.4.3 of the Plan (Triggers for Implementing Wind-down) and as set forth in GSD Rule 22D and MBSD Rule 17B (Wind-down of the Corporation), Section 2 (Initiation of the Wind-down Plan), the trigger for the implementation of the Wind-down Plan is the Board's determination that the application of the tools set forth in the Plan to mitigate the adverse impact of credit losses, liquidity shortfalls, losses from general business risk or any other losses, have not restored FICC to viability as a going concern, able to continue to provide its core services to Participants and Pledges in a safe and efficient manner, or will not likely restore FICC to viability as a going concern able to continue to provide its core services to Participants and Pledges in a safe and efficient manner.

³⁴ *Supra* note 7.

³⁵ FICC's liquidity risk management strategy, including the manner in which FICC would deploy liquidity tools as well as its intraday use of liquidity, is described in the Clearing Agency Liquidity Risk Management Framework. See Securities Exchange Act Release No. 102755 (Apr. 1, 2025), 90 FR 15013 (Apr. 7, 2025) (SR-FICC-2025-007).

³⁶ See *supra* note 3. The Loss Waterfall tools set out in Table 5-B of the Plan are the "Corporate Contribution" and "Loss Allocation." See also, GSD

the FICC's liquidity tools (Table 5-C),³⁷ proposed Attachment D would expand upon the information included in Table 5-B and Table 5-C to incorporate the additional information set forth above.

Rule 17ad-26(a)(7) (Notification to the Commission): Attachment E would address the requirements of Rule 17ad-26(a)(7), which requires covered clearing agencies to inform the Commission as soon as practicable when the covered clearing agency is considering implementing a recovery or orderly wind-down.³⁸ Specifically, with respect to notification that FICC is considering implementing a recovery, proposed Attachment E would state that as set forth in Section 5.2.4 of the Plan (Recovery Corridor and Recovery Phase), FICC would monitor, during a "Recovery Corridor," the early warning indicators that could indicate that FICC may transition into recovery.³⁹ FICC would notify the SEC⁴⁰ at the time a determination is made by the Executive Committee that FICC has entered the Recovery Corridor, which means that either a market event, including a Member default or a non-default event, may result in uncovered losses, liquidity shortfalls or general business losses following end-of-day settlement. As further described in this section of the Plan, FICC's entry into the Recovery Corridor indicates that FICC is considering implementing the Recovery Plan. Therefore, the timing of this notification would provide the SEC with advance notice that FICC is considering implementing its Recovery Plan and coincide with FICC's monitoring of both the adequacy of its resources and the actual and expected timing of resource replenishment.

With respect to notification that FICC is considering implementing an orderly wind-down, as set forth in Section 8.2.2 of the Plan (Wind-down Indicators),⁴¹ proposed Attachment E would state that FICC would expect that a significant inability to replenish the Clearing Fund and/or other liquidity resources could lead FICC to remain in the Recovery

Rule 4 and MBSD Rule 4 (Clearing Fund and Loss Allocation).

³⁷ Liquidity tools identified in Table 5-C of the Plan include (i) Increase the speed of portfolio asset sales, (ii) Execute dollar rolls or coupon swaps for mortgage-backed positions in GSD and MBSD, (iii) Utilize MRAs with GSD CCIT Members, and (iv) Access non-qualifying liquid resources.

³⁸ *Supra* note 7.

³⁹ *Supra* note 4.

⁴⁰ Attachment E would state that FICC would provide this notification to its regular supervisory contacts at the SEC, either verbally and/or in writing.

⁴¹ *Supra* note 4.

³⁰ *Supra* note 7.

³¹ *Supra* note 4. Pursuant to Section 5.2.4 of the Plan (Recovery Corridor and Recovery Phase), the "Recovery Phase" relates to the actions taken by FICC to restore its financial resources and avoid wind-down.

³² Section 5.3 (The Recovery Trigger) would state that the criteria that would trigger FICC's entry into the Recovery Phase and thus the implementation of the Recovery Plan is the date that it issues the first Loss Allocation Notice of the second loss allocation round with respect to a given Event Period. As

Phase⁴² for an extended period or potentially consider wind-down. If the various options set forth in the Recovery Plan are not deemed feasible or readily available, FICC would enter wind-down following a Runway Period.⁴³ FICC would notify the SEC⁴⁴ at the time a determination is made by the Executive Committee that FICC has entered the Runway Period. The length of the Runway Period would vary based on the severity of the market stress or other event and the ability of FICC to replenish its resources in a timely manner. However, in all scenarios, a Runway Period would occur before FICC would need to implement the Wind-down Plan. Thus, proposed Attachment E would state that the timing of this notification would provide the SEC with advance notice of the fact that FICC is considering implementing the Wind-down Plan. It would note further that as a result of FICC's prior notification to the SEC that it is considering implementing the Recovery Plan, the SEC would already be actively engaged with FICC as it proceeds through each stage of the Crisis Continuum, including prior to FICC's entry into the Runway Period.

Rule 17ad–26(a)(8) (Testing): Attachment F of the Plan would address the requirements of Rule 17ad–26(a)(8)⁴⁵ that procedures for testing the ability of a covered clearing agency to implement the recovery and orderly wind-down plan at least every 12 months be included in the Plan. Specifically, Attachment F would describe FICC's procedures for testing its ability to implement the Plan at least every 12 months, including describing the requirement that certain Members participate in the testing based on specified criteria⁴⁶ and, when practicable, other stakeholders.

Rule 17ad–26(a)(9) (Board Approval): Attachment G to the Plan would address the requirements of Rule 17ad–26(a)(9), which is that the plans include

procedures requiring review and approval of the plans by the board of directors at least every 12 months or following material changes to the covered clearing agency's operations that would significantly affect the viability or execution of the plans, with review informed, as appropriate, by the covered clearing agency's testing of the plans.⁴⁷ Specifically, Attachment G would describe that the R&R Team provides pertinent information and status updates to the Executive Committee and the Board of each SIFMU, including FICC, with regard to changes and enhancements to the R&W Plan. It would state that approval of the Plan is required at least every 12 months or following material changes to FICC's operations that would significantly affect the viability or execution of the Plan. The review by the board is informed, as appropriate, by the SIFMU's testing of the Plan as described in Attachment F (Testing) to the Plan. It would further describe that the board reviews the SIFMU R&W plans through formal and ad hoc board meetings, receiving any necessary interim updates as determined by the Executive Committee. It would identify that the policy and procedures that describe the process for the review and approval of the SIFMU R&W plans by the board are set forth in the following: (i) Office of Recovery and Resolution Planning Procedures and (ii) Office of Recovery and Resolution Planning Policy. In addition, it would provide that the Charter of the board would be amended to include the obligation that the board review and approve the Plan at least every 12 months or following material changes to the DTCC SIFMUs' operations that would significantly affect the viability or execution of the Plan(s).

B. Proposed Addition of Section 9 (Compliance With Rule 17ad–26)

For purposes of clarity and consolidation of each of the elements required by 17ad–26 in one section of the Plan, FICC is proposing to amend the Plan to add a new Section 9 entitled “Compliance with Rule 17ad–26: Recovery and Orderly Wind-down Plans of Covered Clearing Agencies.” This proposed new Section would set forth a description of each of the attachments that are incorporated into the Plan that address the required elements of Rule 17ad–26.

C. Other Conforming Updates and Technical Revisions

FICC is also proposing to make other conforming updates and technical revisions to the Plan for consistency with Rule 17ad–26. For example, FICC would include the following defined terms included in Rule 17ad–26 for “Recovery,” “Orderly wind-down,” and “Service provider for core services.”⁴⁸ These technical revisions would also, for example, replace the name of the defined term “Critical Services” in the Plan to “Core Services,” to align with the RWP Rule without changing the substantive statements being revised. FICC believes the proposed updates and technical revisions would improve the clarity and accuracy of the Plan and, therefore, would help facilitate the execution of Plan, if necessary.

D. Implementation Date

The proposed rule changes would become effective on the Compliance Date of Rule 17ad–26, December 15, 2025,⁴⁹ subject to Commission approval.

2. Statutory Basis

FICC believes that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, FICC believes that the amendments to the R&W Plan are consistent with Section 17A(b)(3)(F) of the Act,⁵⁰ Rule 17ad–22(e)(3)(ii) under the Act,⁵¹ and Rule 17ad–26 under the Act,⁵² for the reasons described below.

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of FICC be designed to promote the prompt and accurate clearance and settlement of securities transactions. As described above, the proposed rule change would update the R&W Plan to address the requirements of Rule 17ad–26 and make certain technical revisions. By helping to ensure that the R&W Plan reflects the information required by 17ad–26, and providing additional clarity through the technical revisions, FICC believes that the proposed rule change would help it continue to maintain the Plan in a manner that supports the continuity of FICC's core services and enables Members to maintain access to FICC's core services through the transfer of its membership in the event FICC defaults

⁴² *Id.* The Recovery Plan describes the recovery phase of the Crisis Continuum, which would begin on the date that FICC issues the first Loss Allocation Notice of the second Loss allocation round with respect to a given Event Period. See *supra* note 3. As provided for in Rule 4 (Clearing Fund).

⁴³ *Id.* The Wind-down Plan identifies the time period leading up to a decision to wind-down FICC as the “Runway Period.”

⁴⁴ *Supra* note 40.

⁴⁵ *Supra* note 7.

⁴⁶ Proposed Attachment F would state that the R&R Team would identify the Member(s) required to participate in the simulation and that considerations for the Member selection may include, but are not limited to, (i) account structure, (ii) affiliated family structure, (iii) business model, (iv) operational details, and (v) Member size in terms of trading and settlement activity.

⁴⁷ *Supra* note 7.

⁴⁸ *Supra* note 7, 17ad–26(b) (Definitions).

⁴⁹ *Id.*

⁵⁰ 15 U.S.C. 78q–1(b)(3)(F).

⁵¹ 17 CFR 240.17ad–22(e)(3)(ii).

⁵² *Id.* FICC is a “covered clearing agency” as defined in Rule 17ad–22(a)(5) under the Act and must comply with paragraph (e) of Rule 17ad–22. In 2012, FICC was designated a SIFMU by the FSOC.

or the Wind-down Plan is ever triggered by the Board. For example, by incorporating the staffing roles necessary to support FICC's core services and the tools that FICC could invoke to retain staff in the event of a recovery and during an orderly wind-down, the proposed rule change would assist FICC in ensuring necessary staff is maintained to support access to and continuity of FICC's core services. Similarly, the proposed rule change would identify the service providers supporting FICC's core services and how FICC would endeavor to ensure that such service providers for core services would continue to perform in the event of a recovery and during an orderly wind-down. This would assist FICC in ensuring necessary core service providers continue to perform under their contractual arrangements and thus, supporting access to and continuity of FICC's core services. By facilitating the continuity of its core clearance and settlement services, FICC believes the Plan and the proposed rule change would continue to promote the prompt and accurate clearance and settlement of securities transactions. Therefore, FICC believes the proposed amendments to the R&W Plan are consistent with the requirements of Section 17A(b)(3)(F) of the Act.

Rule 17ad-22(e)(3)(ii) under the Act requires FICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency, which includes plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses.⁵³

Specifically, the Recovery Plan defines the risk management activities, stress conditions and indicators, and tools that FICC may use to address stress scenarios that could eventually prevent it from being able to provide its core services as a going concern. Through the framework of the Crisis Continuum, the Recovery Plan addresses measures that FICC may take to address risks of credit losses and liquidity shortfalls, and other losses that could arise from a Member default. The Recovery Plan also addresses the management of general business risks and other non-default risks that could lead to losses. The Wind-down Plan would be triggered by

a determination by the Board that recovery efforts have not been, or are unlikely to be, successful in returning FICC to viability as a going concern. Once triggered, the Wind-down Plan sets forth clear mechanisms for the transfer of FICC's membership and business and is designed to facilitate continued access to FICC's core services and to minimize market impact of the transfer. By establishing the framework and strategy for the execution of the transfer and orderly wind-down of FICC in order to facilitate continuous access to its critical services, the Wind-down Plan establishes a plan for the orderly wind-down of FICC.

As described above, the proposed rule change would update the R&W Plan to reflect information regarding the (i) staffing roles necessary to support FICC's core services and the tools that FICC could invoke to retain staff in the event of a recovery and during an orderly wind-down, (ii) Service providers of core services supporting FICC's core services and how FICC would endeavor to ensure that such service providers for core services would continue to perform in the event of a recovery and during an orderly wind-down, (iii) scenarios that may potentially prevent FICC from being able to provide its core services as a going concern, (iv) criteria that could trigger FICC's implementation of the Plan, (v) rules, policies, procedures, tools and resources on which FICC would rely during a recovery or orderly wind-down and how these would ensure timely implementation of the Plan, (vi) FICC's process for notification to the Commission as soon as practicable when FICC is considering implementing a recovery or orderly wind-down, (vii) testing of FICC's ability to invoke the Plan, and (viii) review and approval of the Plans by FICC's Board of Directors. The proposed rule change would also make certain technical corrections to align with the RWP Rule. By including the above detailed information in the Plan and ensuring that material provisions of the Plan are current, clear, and technically correct, FICC believes that the proposed amendments are designed to support the maintenance of the Plan for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses, and, as such, meets the requirements of Rule 17ad-22(e)(3)(ii) under the Act.⁵⁴ Therefore, the proposed changes would help FICC to maintain the Plan in a way that

continues to be consistent with the requirements of Rule 17ad-22(e)(3)(ii).

Rule 17ad-26 requires the plans for recovery and orderly wind-down of covered clearing agencies, such as FICC, to identify and address certain information that is pertinent to the Plan.⁵⁵ The proposed rule change would add the various elements required by Rule 17ad-26 noted in the previous paragraph and described more fully above. By adding the various required elements, the Plan would contain the necessary information that would facilitate its implementation if it ever needed to be invoked. Therefore, the proposed rule changes would help FICC maintain the Plan in a way that is consistent with Rule 17ad-26.

(B) Clearing Agency's Statement on Burden on Competition

FICC does not believe that the proposed rule change would have any impact, or impose any burden, on competition. FICC does not anticipate that the proposal would affect its day-to-day operations under normal circumstances, or the management of a typical Member default scenario or non-default event. The R&W Plan was developed and documented in order to satisfy applicable regulatory requirements, as discussed above. The proposal is intended to enhance and update the Plan to ensure it is clear and remains current in accordance with applicable rules in the event it is ever necessary to be implemented. The proposed revisions would not affect any changes to the overall structure or operation of the Plan or FICC's recovery and wind-down strategy as set forth under the current Plan. As such, FICC believes the proposal would not have any impact, or impose any burden, on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

FICC has not received or solicited any written comments relating to this proposal. If any written comments are received, FICC will amend this filing to publicly file such comments as an Exhibit 2 to this filing, as required by Form 19b-4 and the General Instructions thereto.

Persons submitting written comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b-4, the Commission does not edit personal identifying information from comment submissions.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Supra* note 7.

Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on How to Submit Comments, *available at* www.sec.gov/regulatory-actions/how-to-submit-comments. General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at tradingandmarkets@sec.gov or 202-551-5777.

FICC reserves the right to not respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-FICC-2025-010 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR-FICC-2025-010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the

submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of FICC and on DTCC's website (<https://dtcc.com/legal/sec-rule-filings.aspx>). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR-FICC-2025-010 and should be submitted on or before May 19, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-07221 Filed 4-25-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102907; File No. SR-FICC-2025-003]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving Proposed Rule Change To Adopt a Volatility Event Charge

April 22, 2025.

On February 27, 2025, Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² the proposed rule change SR-FICC-2025-003 ("Proposed Rule Change") to amend FICC's Government Securities Division ("GSD") Rulebook ("GSD Rules") and Mortgage-Backed Securities Division ("MBSD") Clearing Rules ("MBSD

Rules," and collectively with the GSD Rules, the "Rules")³ to adopt a volatility event charge ("Volatility Event Charge"). The proposed rule change was published for comment in the **Federal Register** on March 11, 2025.⁴ The Commission has received no comments on the proposed rule change. For the reasons discussed below, the Commission is approving the Proposed Rule Change.

I. Background

FICC, through its GSD and MBSD, is a central counterparty ("CCP") and provider of clearance and settlement services for U.S. fixed income transactions.⁵ In its role as a CCP, it interposes itself as the buyer to every seller and seller to every buyer for the financial transactions it clears. GSD provides trade comparison, netting, risk management, settlement, and CCP services for the U.S. Government securities market. MBSD provides the same services for the U.S. mortgage-backed securities market. As such, FICC is exposed to the risk that one or more of its members may fail to make a payment or to deliver securities.

A key tool that FICC uses to manage its credit exposures to its members is the daily collection of the Required Fund Deposit (*i.e.*, margin) from each member. A member's margin is designed to mitigate potential losses associated with liquidation of the member's portfolio in the event of that member's default. The aggregated amount of all GSD and MBSD members' margin constitutes the GSD Clearing Fund and MBSD Clearing Fund, respectively, which FICC would be able to access should a defaulted member's own margin be insufficient to satisfy losses to FICC caused by the liquidation of that member's portfolio. Each member's margin consists of several components, each of which is designed to address specific risks faced by FICC arising out of its members' trading activity. Each member's margin includes a value-at-risk ("VaR") charge ("VaR Charge") designed to capture the potential market price risk⁶ associated with the securities in a member's portfolio. The VaR Charge is typically

³ Terms not defined herein are defined in the GSD Rules and MBSD Rules, as applicable, available at www.dtcc.com/legal/rules-and-procedures.

⁴ See Securities Exchange Act Release No. 102530 (Mar. 5, 2025), 90 FR 11760 (Mar. 11, 2025) (File No. SR-FICC-2025-003) ("Notice of Filing").

⁵ GSD and MBSD maintain separate sets of rules, margin models, and clearing funds.

⁶ Market price risk refers to the risk that volatility in the market causes the price of a security to change between the execution of a trade and settlement of that trade. This risk is sometimes also referred to as volatility risk.

⁵⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

the largest component of a member's margin requirement.

FICC regularly assesses market and liquidity risks as such risks relate to its margin methodologies to evaluate whether margin levels are commensurate with the particular risk attributes of each relevant product, portfolio, and market. For example, FICC employs daily backtesting⁷ to determine the adequacy of each member's margin. A backtesting deficiency occurs when a member's margin would not have been adequate to cover the projected liquidation losses estimated from the member's settlement activity based on the backtesting results.⁸ Backtesting deficiencies highlight exposure that could subject FICC to potential losses in the event of a member default. FICC investigates the cause(s) of any backtesting deficiencies to determine whether there is an identifiable cause of repeat backtesting deficiencies and/or whether multiple members may experience backtesting deficiencies for the same underlying reason.

FICC believes that its current VaR model has performed well in low to moderate volatility markets,⁹ though it has not met FICC's performance targets during periods of extreme market volatility.¹⁰ FICC performed an impact study on its members' margin portfolios covering the period beginning April 15, 2024 through August 2, 2024 ("Impact Study").¹¹ During the period of the Impact Study, FICC assessed its members a special charge equal to 10% of the member's VaR Charge during a specified coverage period leading up to and on the day of a list of scheduled economic events¹² when certain

forward-looking market indicators and thresholds¹³ were exceeded during the coverage period. The results of the Impact Study demonstrated that the assessment of the special charge eliminated a number of backtesting deficiencies at both GSD and MBSD. Specifically, during start-of-day and noon margin cycles at GSD the number of backtesting deficiencies eliminated was reduced by approximately 7% and 10%, respectively, and by approximately 13% at MBSD.¹⁴ FICC states that the results of the Impact Study highlighted the need to enhance its margin methodology and adopt a more proactive approach to manage its backtesting deficiencies and member-level market risk exposure during periods of extreme market volatility.¹⁵

II. Description of the Proposed Rule Change

FICC proposes to add a new margin component, the Volatility Event Charge, to its methodology for calculating GSD and MBSD members' margin. FICC designed the Volatility Event Charge to address the heightened market risks associated with scheduled economic events which can lead to significant market volatility.¹⁶ This charge would provide a proactive mechanism to complement FICC's VaR model by helping to mitigate FICC's exposures to potential adverse market reactions arising from certain scheduled economic events.¹⁷

The Volatility Event Charge would be assessed for each member portfolio at GSD and MBSD, as well as for each Segregated Indirect Participant at GSD, during periods in which FICC's forward-looking market volatility indicators exceed predefined thresholds. The charge would be assessed twice a day at GSD and once a day at MBSD¹⁸ during the coverage period, generally beginning two business days prior to a scheduled event and extending through the event date. However, based on an assessment of market conditions and backtesting

coverage, FICC may extend the coverage period by an additional business day if multiple market indicators exceed threshold levels, or reduce the coverage period if the scheduled event itself is not expected to materially impact market volatility. Any changes to the coverage periods would be documented and approved in accordance with FICC's internal market risk management policies.

The Volatility Event Charge would be calculated by multiplying the VaR Charge of the affected member's portfolio by no less than 10 percent and no greater than 30 percent, as determined by FICC from time to time based on various factors such as backtesting coverage and/or backtesting deficiencies. The initial multiplier would be set at 10 percent, based on FICC's prior experience with special charges imposed following the 2023 regional banking crisis.¹⁹ The upper bound of 30 percent is informed by FICC's analysis of historical backtesting deficiencies under various stress events. FICC would conduct ongoing monitoring of the charge's efficacy, with at least monthly reviews to determine whether any adjustments are necessary to the list of scheduled events, volatility indicators, or applicable percentage multipliers.²⁰ Any modifications would be documented and approved by FICC's market risk group in accordance with its internal policies.²¹

To ensure transparency, FICC would notify members of applicable scheduled events, forward-looking market volatility indicators, and associated charge parameters through a quarterly Important Notice. This notice would be issued no less than one business day before the start of the relevant quarter or the coverage period of the first scheduled event in that quarter, whichever is earlier.

In connection with adopting the Volatility Event Charge, FICC proposes amendments to the GSD and MBSD rules to formally define the charge, incorporate it into the calculation of the Required Fund Deposit and Segregated Customer Margin Requirement, and establish the parameters for its assessment and administration. FICC states that the adoption of the Volatility

⁷ Backtesting is an ex-post comparison of actual outcomes (*i.e.*, the actual margin collected) with expected outcomes derived from the use of margin models. See 17 CFR 240.17Ad-22(a)(1).

⁸ FICC compares each member's margin with the simulated liquidation gains/losses, using the actual positions in the member's portfolio(s) and the actual historical security returns.

⁹ See Notice of Filing, 90 FR at 11761.

¹⁰ During the pandemic-related volatility in March 2020 and the successive interest rate hikes that began in March 2022, the VaR model fell below the 99 percent performance targets. See Notice of Filing, 90 FR at 11761-62.

¹¹ The Impact Study, filed confidentially as Exhibit 3, includes the following information covering each day of the period from April 15, 2024 through August 2, 2024 for each member margin assessment period for GSD and MBSD members: total amount of special charges; the backtesting deficiency counts; backtesting deficiency amounts; eliminated backtesting deficiency count; eliminated backtesting deficiency amount; reduced backtesting deficiency count; and reduced backtesting deficiency amount.

¹² See Notice of Filing, 90 FR at 11763. Table 1 includes a list of schedule economic events, including: Consumer Price Index (CPI); Personal Consumption Expenditures (CPE) Price Index; Non-

Farm Payrolls (NFP) and Unemployment Rate; Federal Funds Target Rate; and Minutes of the Federal Open Market Committee Meeting.

¹³ See Notice of Filing, 90 FR at 11764. Table 2 includes a list of indicators and corresponding thresholds required to trigger the special charge during the coverage period.

¹⁴ See Notice of Filing, 90 FR at 11764. Further, FICC states that in addition to backtesting deficiencies that were eliminated by the special charge, other deficiencies were also reduced but not eliminated altogether.

¹⁵ See Notice of Filing, 90 FR at 11764.

¹⁶ See Notice of Filing, 90 FR at 11765.

¹⁷ See Notice of Filing, 90 FR at 11762.

¹⁸ FICC currently calculates and assesses a member's margin requirement at least twice a day for GSD Members (start-of-day and noon) and once per day (start-of-day) for MBSD Members.

¹⁹ See Notice of Filing, 90 at 11762.

²⁰ See Notice of Filing, 90 at 11762.

²¹ See Notice of Filing, 90 at 11762. FICC states they will conduct ongoing monitoring of the efficacy of the charge and review results at least monthly to determine if changes to the list of scheduled events, forward-looking market volatility indicators and thresholds, and/or the applicable VaR Charge percentage. The market risk group would document the recommendation and rationale for such change and obtain approval from FICC's management committee.

Event Charge and corresponding rule changes are intended to enhance FICC's ability to improve margin resilience during scheduled market events that may impact market volatility by proactively managing GSD and MBSD member-level credit risk exposure and backtesting performance.²²

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act²³ directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. After carefully considering the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to FICC. In particular, the Commission finds that the Proposed Rule Changes are consistent with Section 17A(b)(3)(F)²⁴ of the Act and Rules 17ad–22(e)(4)(i) and (e)(6)(i) each promulgated under the Act.²⁵

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency, such as FICC, be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.²⁶ The Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act for the reasons stated below.

As described above in Section II, FICC proposes to add the Volatility Event Charge to the margin requirements that FICC may collect. As discussed in more detail in Section III.B *infra*, by adding the Volatility Event Charge to FICC's margin methodology, the Proposed Rule Change would help ensure that FICC collects sufficient margin to manage member-level credit risk exposure and backtesting performance associated with certain scheduled economic events that may impact market volatility. By helping FICC to collect sufficient margin, the Proposed Rule Change would better ensure that, in the event of a member default, FICC's operation of

its critical clearance and settlement services would not be disrupted because of insufficient financial resources. Accordingly, the Proposed Rule Change should help FICC to continue providing prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.²⁷

Moreover, as described above in Section II, FICC would access the mutualized Clearing Fund should a defaulted member's own margin be insufficient to satisfy losses to FICC caused by the liquidation of that member's portfolio. Because FICC's proposal to adopt the Volatility Event Charge should help ensure that FICC has collected sufficient margin from members, the Proposed Rule Change should also help minimize the likelihood that FICC would have to access the Clearing Fund, thereby limiting non-defaulting members' exposure to mutualized losses. By helping to limit the exposure of FICC's non-defaulting members to mutualized losses, the Proposed Rule Change should help FICC assure the safeguarding of securities and funds which are in its custody or control, consistent with Section 17A(b)(3)(F) of the Act.²⁸

For these reasons, the Proposed Rule Change is designed to promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, consistent with Section 17A(b)(3)(F) of the Act.²⁹

B. Consistency With Rule 17ad–22(e)(4)(i)

Rule 17Ad–22(e)(4)(i) under the Act requires that each covered clearing agency, such as FICC, establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.³⁰ The Proposed Rule Change is consistent with Rule 17Ad–22(e)(4)(i) under the Act for the reasons stated below.

FICC's proposal to add the Volatility Event Charge to its margin methodology

would enable FICC to better manage its credit exposures to members by maintaining sufficient resources to cover their credit exposures more fully with a high degree of confidence. Specifically, the proposed Volatility Event Charge would allow FICC to more effectively identify, measure, monitor, and manage GSD and MBSD member-level credit exposure during periods of market volatility during scheduled economic events. As discussed above in Section II, the Volatility Event Charge would be assessed proactively for each member portfolio at GSD and MBSD, as well as for each Segregated Indirect Participant at GSD, during coverage periods leading up to scheduled economic events in which FICC's forward-looking market volatility indicators exceed predefined thresholds. The Volatility Event Charge should help FICC mitigate such credit exposures and decrease backtesting deficiencies during those coverage periods.

The Commission has reviewed and analyzed the materials filed by FICC, including FICC's Impact Study and backtesting results,³¹ which show the effect of a special charge assessed during the time period of the Impact Study designed to operate in the same way as the Volatility Event Charge. The Impact Study shows that this special charge reduced the number of backtesting deficiencies, as well as decreasing the magnitude of persistent backtesting deficiencies, and thereby better enabled FICC to collect margin sufficient to meet its coverage requirements. Accordingly, for the reasons discussed above, the Proposed Rule Change is reasonably designed to better enable FICC to effectively identify, measure, monitor, and manage its credit exposure to members, and those arising from its payment, clearing, and settlement processes, including by maintaining sufficient financial resources to cover its credit exposure to each member fully with a high degree of confidence consistent with Rule 17Ad–22(e)(4)(i).³²

C. Consistency With Rule 17ad–22(e)(6)(i)

Rule 17Ad–22(e)(6)(i) under the Act requires that each covered clearing agency that provides central counterparty services, such as FICC, establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system

²² See Notice of Filing, 90 at 11764.

²³ 15 U.S.C. 78s(b)(2)(C).

²⁴ 15 U.S.C. 78q–1(b)(3)(F).

²⁵ 17 CFR 240.17ad–22(e)(4)(i) and (e)(6)(i).

²⁶ 15 U.S.C. 78q–1(b)(3)(F).

²⁷ 15 U.S.C. 78q–1(b)(3)(F).

²⁸ 15 U.S.C. 78q–1(b)(3)(F).

²⁹ 15 U.S.C. 78q–1(b)(3)(F).

³⁰ 17 CFR 240.17Ad–22(e)(4)(i).

³¹ See *supra* note 11.

³² 17 CFR 240.17Ad–22(e)(4)(i).

that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.³³ The Proposed Rule Change is consistent with Rule 17Ad–22(e)(6)(i) under the Act for the reason stated below.

FICC's proposal to add the Volatility Event Charge to its margin methodology would enable FICC to more effectively address the risks posed to FICC by certain scheduled economic events that have the potential to lead to significant market volatility. As noted above, FICC provided an Impact Study regarding the impacts of a special charge on each GSD and MBSD members in the amount of 10% of the member's VaR Charge during the coverage periods leading up to scheduled economic events when certain forward-looking market indicators exceeded predefined thresholds that had been in place from April 15, 2024 to August 2, 2024.³⁴ Specifically, the Impact Study shows that the special charge reduced the number of backtesting deficiencies at GSD by approximately 7% and 10% for the start-of-day and noon margin cycles, respectively, and reduced the number of backtesting deficiencies at MBSD by approximately 13%.³⁵ In addition to the backtesting deficiencies that were eliminated by the special charge, other deficiencies were reduced such that the magnitude of the observed deficiency was less than without the special charge. By adding the Volatility Event Charge to FICC's margin methodology, FICC would more effectively mitigate the risks attributable to potential outsized and adverse market reactions to the outcome of a scheduled economic event. As a result, implementing the Proposed Rule Change should better enable FICC to collect margin amounts at levels commensurate with FICC's credit exposures to its members.

Accordingly, the Proposed Rule Change is consistent with Rule 17Ad–22(e)(6)(i) under the Act because it is designed to assist FICC in maintaining a risk-based margin system that considers, and produces margin levels commensurate with, the risks of portfolios that experience significant market volatility because of certain scheduled economic events.³⁶

IV. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the

requirements of the Act and in particular with the requirements of Section 17A of the Act³⁷ and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act³⁸ that proposed rule change SR–FICC–2025–003, be, and hereby is, *approved*.³⁹

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴⁰

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–07219 Filed 4–25–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35546; File No. 812–15737]

PGIM, Inc., et al.

April 22, 2025.

AGENCY: Securities and Exchange Commission (“Commission” or “SEC”).

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the “Act”) and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (“BDCs”) and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities. The requested order includes streamlined terms and conditions as compared to past comparable orders.

APPLICANTS: PGIM, Inc., PGIM Investments LLC, PGIM Limited, PGIM Private Real Estate Fund, Inc., PGIM Private Credit Fund, PGIM Credit Income Fund, and certain Existing Proprietary Accounts and certain Existing Affiliated Funds as described in Schedule A to the application.

FILING DATES: The application was filed on March 28, 2025, and amended on April 11, 2025.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief

will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at Secretarys-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on May 19, 2025, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at Secretarys-Office@sec.gov.

ADDRESSES: The Commission: Secretarys-Office@sec.gov. Applicants: Claudia DiGiacomo, Esq., PGIM Investments LLC, claudiadigiacomo@prudential.com, Benjamin C. Wells, Esq., bwells@stblaw.com, Jacqueline Edwards, Esq., jacqueline.edwards@stblaw.com, and Ryan P. Briezsek, Esq., ryan.brizek@stblaw.com, all of Simpson Thacher & Bartlett LLP.

FOR FURTHER INFORMATION CONTACT: Adam Large, Senior Special Counsel, Stephan N. Packs, Senior Counsel, or Daniele Marchesani, Assistant Chief Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' First Amended and Restated Application, dated April 11, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at www.sec.gov/edgar/searchedgar/companysearch. You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–07225 Filed 4–25–25; 8:45 am]

BILLING CODE 8011–01–P

³³ 17 CFR 240.17Ad–22(e)(6)(i).

³⁴ See *supra* note 11.

³⁵ See *id.*

³⁶ 17 CFR 240.17Ad–22(e)(6)(i).

³⁷ 15 U.S.C. 78q–1.

³⁸ 15 U.S.C. 78s(b)(2).

³⁹ In approving the Proposed Rule Changes, the Commission considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁴⁰ 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102904; File No. SR–NYSE–2025–15]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change for Conforming Rules 7.37 and 17

April 22, 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 14, 2025, New York Stock Exchange LLC (“NYSE” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes conforming changes to Rules 7.37 and 17 to reflect the name change of “NYSE Chicago, Inc.” to “NYSE Texas, Inc.” The proposed rule change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes conforming changes to Rule 7.37 (Order Execution

and Routing) and Rule 17 (Use of Exchange Facilities and Vendor Services) to reflect the name change of “NYSE Chicago, Inc.” to “NYSE Texas, Inc.”

Background and Proposed Rule Change

The Exchange’s affiliate NYSE Chicago, Inc. (“NYSE Chicago”) recently converted from a corporation organized under the laws of the state of Delaware to one organized under the laws of the state of Texas and changed its name to “NYSE Texas, Inc.”⁴ The Exchange accordingly proposes conforming changes to its rules to reflect its affiliate’s name change. Specifically, the Exchange proposes to replace one reference to “Chicago” in Rule 7.37(e) with “Texas.” Similarly, the Exchange proposes replacing three references to “Chicago” in Rule 17(c)(2)(A) with “Texas” and three references to “Chicago” in Rule 17(c)(2)(B) with “Texas.”

The proposed changes are conforming and non-substantive in nature.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,⁵ in general, and furthers the objectives of Section 6(b)(1)⁶ in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5)⁷ of the Act in that it is designed 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.

The proposed non-substantive changes would enable the Exchange to

continue to be so organized as to have the capacity to carry out the purposes of the Act and comply and enforce compliance with the provisions of the Act by its members and persons associated with its members, because ensuring that the Exchange’s rules accurately reflects the correct name of the Exchange’s affiliate would contribute to the orderly operation of the Exchange by adding clarity and transparency. In addition, the proposed amendments would reduce potential investor and market participant confusion and therefore remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that investors and market participants can more easily navigate, understand and comply with the Exchange’s rules. The Exchange also believes that the proposed amendments remove impediments to and perfects the mechanism of a free and open market by ensuring that persons subject to the Exchange’s jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange’s rules. The proposed amendments would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from the increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with updating the Exchange’s rules to reflect its affiliate’s name change.

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁸ and Rule 19b–4(f)(6) thereunder.⁹ Because the foregoing proposed rule change does

⁴ See Securities Exchange Act Release No. 102507 (February 28, 2025), 90 FR 11445 (March 6, 2025) (SR–NYSECHX–2025–01) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Repeal the Exchange’s Certificate of Incorporation; Adopt the Certificate of Formation of NYSE Texas, Inc.; Amend the Exchange’s By-Laws, Rules, and Certain Fee Schedules; and Amend the Certificate of Incorporation and By-Laws of the Exchange’s Holding Company To Reflect the Conversion of the Exchange to a Texas Corporation and the Renaming of NYSE Chicago Holdings, Inc.).

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(1).

⁷ 15 U.S.C. 78f(b)(5).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁹ 17 CFR 240.19b–4(f)(6).

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)(iii) of the Act¹⁰ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹¹

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)¹² 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-NYSE-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-NYSE-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-NYSE-2025-15 and should be submitted on or before May 19, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-07217 Filed 4-25-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102912; File No. SR-NYSE-2025-05]

Self-Regulatory Organization; NYSE National, Inc.; Order Approving a Proposed Rule Change To Amend NYSE National Rules 7.37 and 7.44

April 22, 2025.

I. Introduction

On March 12, 2025, NYSE National, Inc. ("NYSE National" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend NYSE National rules 7.37 and 7.44. The proposed rule change was published for comment in the **Federal Register** on March 20, 2025.³

¹³ 17 CFR 200.30-3(a)(12).

¹⁵ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 102683 (March 14, 2025), 90 FR 13231.

The Commission has received no comment letters on the proposed rule change. This order approves the proposed rule change.

II. Description of the Proposal

The Exchange has proposed to amend NYSE National rules 7.37 (Order Execution and Routing) and 7.44 (Retail Liquidity Program) to adopt the Retail Price Improvement Seeking routing strategy, an optional routing strategy available for Type 1 Retail Orders.

First, the Exchange proposed to amend NYSE National rule 7.44(f)(1), which defines a Type 1 Retail Order. The Exchange operates a Retail Liquidity Program that is intended to attract retail order flow to the Exchange and allow such order flow to receive potential price improvement at the midpoint or better.⁴ A Retail Order, as defined in NYSE National rule 7.44(a)(2), is an agency order or riskless principal order that meets the criteria of FINRA rule 5320.03, originating from a natural person, and that is submitted to the Exchange by a Retail Member Organization ("RMO"), provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology.⁵ NYSE National rule 7.44(f)(1) defines a Type 1 Retail Order to buy (sell) as an MPL IOC Order with a working price at the lower (higher) of the midpoint of the PBBO or its limit price that trades only with available Retail Price Improvement Orders⁶ to sell (buy) and all other orders to sell (buy) with a working price below (above) or equal to the midpoint of the PBBO on the Exchange Book. A Type 1 Retail Order does not route (except as specified in NYSE National rule 7.44(f)(1)), and the quantity of a Type 1 Retail Order to buy (sell) that does not trade with eligible orders to sell (buy) will be immediately and automatically cancelled. A Type 1 Retail Order is cancelled on arrival if there is

⁴ See NYSE National rule 7.44 (Retail Liquidity Program).

⁵ To qualify as an RMO, an ETP Holder must conduct a retail business or route retail orders on behalf of another broker-dealer. See NYSE National rule 7.44(b)(1). To become an RMO, an ETP Holder must submit an application form, supporting documentation to confirm that the RMO applicant's order flow would meet the requirements of the Retail Order definition, and an attestation that substantially all orders submitted as Retail Orders will qualify as such. See NYSE National rule 7.44(b)(2).

⁶ A Retail Price Improvement Order is an MPL Order that is eligible to trade only with incoming Retail Orders submitted by an RMO. See NYSE National rule 7.44(a)(3).

¹⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

¹¹ 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.

¹² 15 U.S.C. 78s(b)(2)(B).

no PBBO or the PBBO is locked or crossed.

The last sentence of NYSE National rule 7.44(f)(1) provides that a Type 1 Retail Order may be designated with the Retail Midpoint Ping routing strategy, and that a Type 1 Retail Order designated with such routing strategy will be accepted and routed pursuant to such strategy even if there is no PBBO or the PBBO is locked or crossed. The Exchange has proposed to amend this sentence to provide that a Type 1 Retail Order may also be designated with a Retail Price Improvement Seeking routing strategy.

Second, the Exchange proposed to amend NYSE National rule 7.37(b)(9) to add new subparagraph (C) providing for the Retail Price Improvement Seeking routing strategy. NYSE National rule 7.37(b)(9)(C) will provide that the Retail Price Improvement Seeking routing strategy would be available for Type 1 Retail Orders. A Type 1 Retail Order designated with the Retail Price Improvement Seeking routing strategy would first check the Exchange Book for available shares. Any remaining quantity of the order will then route as a Retail Order⁷ to the New York Stock Exchange, LLC ("NYSE"). Any shares that remain unexecuted after routing to NYSE will be cancelled. The Retail Price Improvement Seeking routing strategy is intended to offer any remaining quantity of Type 1 Retail Orders, after executing against interest on the Exchange Book, the opportunity to access liquidity on the NYSE, which also operates a retail liquidity program.⁸ Type 1 Retail Orders routed to the NYSE with the Retail Price Improvement Seeking routing strategy will be able to interact with Retail Price Improvement Orders⁹ and other interest on the NYSE book as a Retail Order in the NYSE retail liquidity program.¹⁰ Type 1 Retail Orders designated with the Retail Price Improvement Seeking routing strategy will be routed to the NYSE by the

Exchange's routing broker, Archipelago Securities LLC ("ArcaSec"), on behalf of the NYSE National RMOs that originally submitted such orders, and, according to the Exchange, ArcaSec will be qualified as an NYSE RMO under NYSE rule 7.44(b) for purposes of routing such orders.¹¹

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.¹² In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,¹³ which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to 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 Commission finds that the proposed rule change is reasonably designed to remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed Retail Price Improvement Seeking routing strategy for Type 1 Retail Orders offers investors who submit NYSE National Type 1 Retail Orders the opportunity for additional price improvement on the NYSE. The Commission believes that the proposed rule change furthers the Retail Liquidity Program's goal of promoting competition for retail order flow among execution venues and provides benefits to retail investors by creating additional price improvement opportunities for their order flow.

Based on the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act.

IV. Conclusion

It is therefore ordered that pursuant to Section 19(b)(2) of the Act,¹⁴ the proposed rule change (SR-NYSENAT-2025-05) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-07222 Filed 4-25-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102903; File No. SR-NYSEAMER-2025-24]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change for Conforming Rules 7.37E and 7.45E

April 22, 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 14, 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, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes conforming changes to Rules 7.37E and 7.45E to reflect the name change of "NYSE Chicago, Inc.," to "NYSE Texas, Inc." 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

⁷ The requirements and obligations for NYSE National RMOs are the same as those for NYSE RMOs, as are the definitions of Retail Order on NYSE National and NYSE. See NYSE rules 7.44(a)(2) (defining RMO); 7.44(a)(3) (defining Retail Order); 7.44(b) and 7.44(h) (describing RMO qualifications).

⁸ See NYSE rule 7.44.

⁹ See NYSE rule 7.44(a)(4).

¹⁰ As proposed, Type 1 Retail Orders (which are MPL IOC Orders) routed pursuant to the Retail Price Improvement Seeking routing strategy will be converted to Limit IOC Orders to comport with the definition of Retail Order in the NYSE Retail Liquidity Program. See NYSE rule 7.44(k) ("A Retail Order to buy (sell) is a Limit IOC Order that will trade only with available Retail Price Improvement Orders to sell (buy) and all other orders to sell (buy) with a working price below (above) the PBO (PBB) on the Exchange Book. . . .").

¹¹ According to the Exchange, ArcaSec will rely on representations made by NYSE National RMOs with respect to their Retail Orders.

¹² In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ 15 U.S.C. 78s(b)(2).

¹⁵ 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.

and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes conforming changes to Rule 7.37E (Order Execution and Routing) and Rule 7.45E (Operation of a Routing Broker) to reflect the name change of "NYSE Chicago, Inc.," to "NYSE Texas, Inc."

Background and Proposed Rule Change

The Exchange's affiliate NYSE Chicago, Inc. ("NYSE Chicago") recently converted from a corporation organized under the laws of the state of Delaware to one organized under the laws of the state of Texas and changed its name to "NYSE Texas, Inc."⁴ The Exchange accordingly proposes conforming changes to its rules to reflect its affiliate's name change. Specifically, the Exchange proposes to replace one reference to "Chicago" in Rule 7.37E(d) with "Texas." Similarly, the Exchange proposes replacing three references to "Chicago" in Rule 7.45E(c)(1) with "Texas" and three references to "Chicago" in Rule 7.45E(c)(2) with "Texas."

The proposed changes are conforming and non-substantive in nature.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,⁵ in general, and furthers the objectives of Section 6(b)(1)⁶ in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the

rules of the Exchange. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5)⁷ of the Act in that it is designed 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.

The proposed non-substantive changes would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Act and comply and enforce compliance with the provisions of the Act by its members and persons associated with its members, because ensuring that the Exchange's rules accurately reflects the correct name of the Exchange's affiliate would contribute to the orderly operation of the Exchange by adding clarity and transparency. In addition, the proposed amendments would reduce potential investor and market participant confusion and therefore remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that investors and market participants can more easily navigate, understand and comply with the Exchange's rules. The Exchange also believes that the proposed amendments remove impediments to and perfects the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange's rules. The proposed amendments would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from the increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with updating the Exchange's rules to reflect its affiliate's name change.

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁸ and Rule 19b-4(f)(6) thereunder.⁹ 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)(iii) of the Act¹⁰ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹¹

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)¹² 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

⁴ See Securities Exchange Act Release No. 102507 (February 28, 2025), 90 FR 11445 (March 6, 2025) (SR-NYSECHX-2025-01) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Repeal the Exchange's Certificate of Incorporation; Adopt the Certificate of Formation of NYSE Texas, Inc.; Amend the Exchange's By-Laws, Rules, and Certain Fee Schedules; and Amend the Certificate of Incorporation and By-Laws of the Exchange's Holding Company To Reflect the Conversion of the Exchange to a Texas Corporation and the Renaming of NYSE Chicago Holdings, Inc.).

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(1).

⁷ 15 U.S.C. 78f(b)(5).

⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁹ 17 CFR 240.19b-4(f)(6).

¹⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

¹¹ 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.

¹² 15 U.S.C. 78s(b)(2)(B).

• Send an email to rule-comments@sec.gov. Please include file number SR–NYSEAMER–2025–24 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEAMER–2025–24. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEAMER–2025–24 and should be submitted on or before May 19, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07216 Filed 4–25–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102897; File No. SR–NYSEAMER–2025–21]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of a Proposed Rule Change, as Modified by Partial Amendment No. 1, To Amend the Connectivity Fee Schedule

April 22, 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 7, 2025, NYSE American LLC (“NYSE American” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Partial Amendment No. 1, 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 virtual control circuit service in the Connectivity Fee Schedule (“Fee Schedule”) to include connectivity to the New York Stock Exchange LLC, NYSE American, and NYSE Arca, Inc. trading floors. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the virtual control circuit (“VCC”) service in the Fee Schedule to include connectivity to the New York Stock Exchange LLC (“NYSE”), NYSE American, and NYSE Arca, Inc. (“NYSE Arca”) trading floors (“Trading Floors”).⁵

Currently, the Fee Schedule includes VCC services, which may be between two Users⁶ in the Mahwah, New Jersey data center (“MDC”),⁷ a User inside the MDC and another party outside of the MDC at a remote access center, or a User inside the MDC and the same User outside of the MDC at a remote access center.⁸

The Exchange proposes to amend the Fee Schedule to include connections between the MDC and a Trading Floor, which may be between a User and itself on the Trading Floor or between the User and a third party on the Trading Floor. More specifically, a User may have a unicast connection through which it can establish a connection between the MDC and a Trading Floor over dedicated bandwidth (“TF Connections”).⁹ Such a TF Connection can be in the form of a VCC between the MDC and a single Trading Floor (“TF

⁵ “Trading Floor” is used as defined in, as applicable, NYSE Rule 6A (Trading Floor), NYSE American Scope of Terms (17), and NYSE Arca Rule 1 (Definitions), Floor, Trading Floor and Options Trading Floor. NYSE National, Inc. and NYSE Texas, Inc. do not have trading floors.

⁶ For purposes of the Exchange's colocation services, a “User” means any market participant that requests to receive colocation services directly from the Exchange. See Securities Exchange Act Release No. 76009 (September 29, 2015), 80 FR 60213 (October 5, 2015) (SR–NYSEMKT–2015–67). As specified in the Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by the NYSE, NYSE Arca, NYSE National, Inc. and NYSE Texas, Inc. (together, the “Affiliate SROs”). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein. See SR–NYSE–2025–12, SR–NYSEARCA–2025–29, SR–NYSETEX–2025–03, and SR–NYSENAT–2025–07.

⁷ Through its Fixed Income and Data Services (“FIDS”) business, Intercontinental Exchange, Inc. (“ICE”) operates the MDC. The Exchange and the Affiliate SROs are indirect subsidiaries of ICE.

⁸ See Securities Exchange Act Release No. 101575 (November 12, 2024), 89 FR 90770 (November 18, 2024) (SR–NYSEAMER–2024–64).

⁹ Information flows over existing network connections in two formats: “unicast” format, which is a format that allows one-to-one communication, similar to a phone line, in which information is sent to and from the Exchange; and “multicast” format, which is a format in which information is sent one-way from the Exchange to multiple recipients at once, like a radio broadcast.

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ On April 16, 2025, the Exchange filed Partial Amendment No. 1 to the proposed rule change to more closely conform the text of Exhibit 1 of the proposed rule change to the filed Form 19b–4.

¹³ 17 CFR 200.30–3(a)(12).

VCC”), or a virtual routing and forwarding service between the MDC and one or more Trading Floors (“TF VRF”). No matter what the form of the TF Connection, it runs between the MDC and the User’s or third party’s equipment physically located on a Trading Floor.

TF VCC and TF VRF connections are both TF Connections even though TF VCCs may connect to one Trading Floor and TF VRFs may connect to one or more Trading Floors, because although they are different in terms of their technical setup, they both utilize the same IGN network and thus are substantially the same in latency and reliability. A User would choose between them based on the factors that it wished, including technical preference and consistency. For example, if a User was setting up a link between the MDC and two Trading Floors, it may prefer a TF VRF, but if it had VCCs elsewhere in its setup, it may have a technological preference for a TF VCC.

The User may use its TF Connection, for example, for receiving and transmitting trading-related data, including pre- and post-trade data and clearing information. Such a use would include an options Market Maker¹⁰ on the NYSE American or NYSE Arca options trading floor using a computer that has their firm’s theoretical values and options market data, which they then use to provide verbal bid/offers in response to floor broker requests for

quotes. A User also may use its TF Connection for providing services to individuals physically located on the trading floor, including access to back-office systems, such as by using it to communicate with counterparts that are off the Trading Floor by email or chat. The User determines how its TF Connection is used: neither FIDS nor the Exchange has any visibility into a TF Connection.

For the avoidance of doubt, all Exchange options members and member organizations,¹¹ including without limitation options floor brokers, market makers and specialist, as well NYSE and NYSE Arca members operating on their respective trading floors,¹² remain subject to Exchange, NYSE and NYSE Arca rules regarding activities on the relevant Trading Floor. The proposed connections from the MDC to a Trading Floor do not contravene or limit such rules or the ability of the Exchange, NYSE or NYSE Arca to surveil for compliance with such rules, including without limitation NYSE Rules 36 (Communications Between Exchange and Members Offices), 98 (Operation of a DMM Unit), and 104 (Dealings and Responsibilities of DMMs). All Exchange, NYSE or NYSE Arca rules would continue to apply, including any rules regarding limitations on the use of electronic communications from or to the Trading Floor. All Exchange or Affiliate SRO rules would continue to apply, including any rules regarding limitations on the use of electronic

communications from or to the Trading Floor.

All TF Connections must be authorized by both parties to the connection before FIDS will establish a connection. Establishing a User’s TF Connection will not give FIDS or the Exchange any right to use the relevant exchange’s system. A TF Connection will not provide direct access or order entry to the Exchange’s execution system, and a User’s TF Connection will not be through the Exchange’s execution system.

No change to the existing fee is proposed. As with the existing VCC service, when a User requests a TF Connection, it would identify the size of bandwidth connection it required, and the monthly charge for the TF Connection would be based on the size of the bandwidth requested.

While the proposed fees for the TF VCC and TF VRF are identical, the amount of the monthly fee may differ based on whether the form chosen by the User is a TF VCC or TF VRF. This is because the TF VCC connects the MDC to one Trading Floor, while the TF VRF may connect the MDC to more than one Trading Floor. Accordingly, the Exchange proposes to add a note to the Fee Schedule to clarify the difference between the two.

To make the change, the Exchange proposes to amend the Fee Schedule as follows (new text italicized):

Type of service	Description (Mb)	Amount of charge (monthly charge)
<i>Virtual Routing and Forwarding service to Trading Floor or Virtual Control Circuit*</i>	1	\$200
	3	400
	5	500
	10	800
	25	1,200
	50	1,800
	100	2,500

*A virtual control circuit (“VCC”) is between the Mahwah data center and a single end point, including a Trading Floor, while a virtual routing and forwarding service (“VRF”) can be between the Mahwah data center and one or more Trading Floors. If the User chooses VCCs or a combination of a VCC and a VRF for connectivity to several Trading Floors, it will be charged separately for each connection. If the User chooses one VRF for connectivity to multiple trading floors, the User will be charged for one connection.

General

The proposed rule change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally. As is currently the case, the Fee Schedule would be applied uniformly to all Users.

FIDS does not expect that the proposed rule change will result in new Users.

Use of the services proposed in this filing are completely voluntary and available to all Users on a non-discriminatory basis.

The proposed change is not otherwise intended to address any other issues relating to co-location services and/or

related fees, and the Exchange is not aware of any problems that customers would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹³ in general, and

options market makers, specialists and floor brokers. *See generally* 15 U.S.C. 78c(a)(3)(A).

¹³ 15 U.S.C. 78f(b).

¹⁰ See, as applicable, NYSE American Rule 920NY (Market Makers) and NYSE Arca Rule 6.32–O (Market Maker Defined).

¹¹ See NYSE American Rule 2(b)(i)—Equities (“Member,” “Membership,” “Member Firm,” etc.); NYSE American Rule 900.2NY(5).

¹² These members are NYSE equities floor brokers and Designated Market Makers and NYSE Arca

further the objectives of Section 6(b)(5) of the Act,¹⁴ in particular, because 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 and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,¹⁵ because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable.

In considering the reasonableness of proposed services and fees, the Commission's market-based test considers "whether the exchange was subject to significant competitive forces in setting the terms of its proposal . . . , including the level of any fees."¹⁶ If the Exchange meets that burden, "the Commission will find that its proposal is consistent with the Act unless 'there is a substantial countervailing basis to find that the terms' of the proposal violate the Act or the rules thereunder."¹⁷ Here, the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because substantially similar substitutes are available, and the third-

party vendors are not at a competitive disadvantage created by the Exchange.

In 2013 the MDC opened two meet-me-rooms to telecommunications service providers ("Telecoms"),¹⁸ to enable Telecoms to offer circuits into the MDC. The TF Connections compete with circuits currently offered by the 16 third-party Telecoms that have installed their equipment in the MDC's two meet-me-rooms.

The Telecom circuits (including any circuit-based network services a Telecom may offer) are reasonable substitutes for TF Connections. The Commission has recognized that products do not need to be identical to be considered substitutable; it is sufficient that they be substantially similar.¹⁹

Telecoms can provide Users with connections to the Trading Floors. Specifically, Telecoms can connect to a Trading Floor entity's equipment in the same building as the Trading Floor. That connection would then extend to the Trading Floor through the relevant exchange's network and infrastructure. The path the traffic takes from the MDC to the Trading Floor, to the extent that FIDS controls it, is similar irrespective of whether the service is provided by a Telecom or FIDS. Those pathways are not normalized within an exchange building, but they do not need to be, and the Exchange believes that Users have no expectation that they would be. As described above, these connections are not used for latency-sensitive trading data, but rather for trading-related data or more conventional communications such as email or chat with the User's back office. While Users expect such connections to be reliable and work at a reasonable speed, the Exchange believes that they have no expectation that these connections would be latency sensitive, as they would when transmitting trading data from co-location to the matching engine within the MDC. In other words, the circuits provided by the Telecoms directly compete with the TF Connections.

The providers of the TF Connection and Telecom circuits design them to perform with particular combinations of equipment, latency, bandwidth, price, termination point, and other factors that they believe will attract Users, and Users choose from among these

competing services on the basis of their business needs.

The TF Connections are sufficiently similar substitutes to the circuits offered by the 16 Telecoms. While neither the Exchange nor FIDS knows the end point of any particular Telecom circuit, the Exchange understands that the Telecoms can offer circuits terminating in any location, including the Trading Floors.²⁰ Moreover, the Telecoms may offer smaller circuits that are the same as or similar size to the TF Connections. Ultimately, Users can choose to configure their pathway in the way that best suits their business needs.

The TF Connections do not have a distance or latency advantage over the Telecoms' circuits within the MDC. FIDS has normalized (a) the distance between the meet-me-rooms and the colocation halls and (b) the distance between the rooms where the FIDS circuits and the TF Connections exit the MDC and the colocation halls. As a result, a User choosing whether to use the TF Connections or Telecom circuits does not face any difference in the distances or latency within the MDC. The Exchange is not aware of any differences under its control that give the Exchange a latency advantage.

The Exchange also believes that the TF Connections do not have any bandwidth advantage or substantial distance advantage over the Telecoms' circuits within the buildings of the Trading Floors. The Exchange believes that the Telecoms offer circuits with a variety of latency and bandwidth specifications, some of which may exceed the specifications of the TF Connections.²¹ The Exchange believes that Users consider these latency and bandwidth factors—as well as other factors, such as equipment, price and termination point—in determining which offerings will best serve their business needs.

In sum, the Exchange is not aware of anything that would make the Telecoms' circuits inadequate substitutes for the TF Connections.

Nor does the Exchange have a competitive advantage over any third-party competitors by virtue of the fact

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ 15 U.S.C. 78f(b)(4).

¹⁶ Securities Exchange Act Release No. 90209 (October 15, 2020), 85 FR 67044, 67049 (October 21, 2020) (Order Granting Accelerated Approval to Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Wireless Market Data Connections) (SR-NYSE-2020-05, SR-NYSEAMER-2020-05, SR-NYSEArca-2020-08, SR-NYSECHX-2020-02, SR-NYSEAT-2020-03, SR-NYSE-2020-11, SR-NYSEAMER-2020-10, SR-NYSEArca-2020-15, SR-NYSECHX-2020-05, SR-NYSEAT-2020-08) ("Wireless Approval Order"), citing Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74781 (December 9, 2008) ("2008 ArcaBook Approval Order"). See *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010).

¹⁷ Wireless Approval Order, *supra* note 16, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 16, at 74781.

¹⁸ Telecoms are licensed by the Federal Communications Commission and are not required to be, or be affiliated with, a member of the Exchange or an Affiliate SRO.

¹⁹ See 2008 ArcaBook Approval Order, *supra* note 16, at 74789 and note 295 (recognizing that products need not be identical to be substitutable).

²⁰ Specifically, any Telecom can connect to a Trading Floor's equipment in the same building as the Trading Floor. That connection would then extend to the Trading Floor through the relevant exchange's network and infrastructure.

²¹ The specifications of FIDS's competitors' circuits are not publicly known. The Exchange understands that FIDS has gleaned any information it has about its competitors through anecdotal communications, by observing customers' purchasing choices in the competitive market, and from its own experience as a purchaser of circuits from telecommunications providers to build FIDS's own networks.

that it owns and operates the MDC's meet-me-rooms. In most cases, circuits coming out of the MDC are provided by the Telecoms.²² Currently, 16 Telecoms operate in the meet-me-rooms and provide a variety of circuit choices. It is in the Exchange's best interest to set the fees that Telecoms pay to operate in the meet-me-rooms at a reasonable level²³ so that market participants, including Telecoms, will maximize their use of the MDC. By setting the meet-me-room fees at a reasonable level, the Exchange encourages Telecoms to participate in the meet-me-rooms and to sell circuits to Users for connecting into and out of the MDC. These Telecoms then compete with each other by pricing such circuits at competitive rates. These competitive rates for circuits help draw in more Users and Hosted Customers to the MDC, which directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to many third-party data feeds, and because having more Users and Hosted Customers leads, in many cases, to greater participation on the Exchange. In this way, by setting the meet-me-room fees at a level attractive to telecommunications firms, the Exchange spurs demand for all of the services it sells at the MDC, while setting the meet-me-room fees too high would negatively affect the Exchange's ability to sell its services at the MDC.²⁴ Accordingly, there are real constraints on the meet-me-room fees the Exchange charges, such that the Exchange does not have an advantage in terms of costs when compared to third parties that enter the MDC through the meet-me-rooms to provide services to compete with the Exchange's services.

If anything, the Exchange would be subject to a competitive disadvantage vis-à-vis the Telecoms. They are not subject to the Commission's filing requirements, and therefore can freely change their services and pricing in response to competitive forces. In contrast, the Exchange's service and pricing would be standardized as set out in this filing, and the Exchange would be unable to respond to pricing pressure from its competitors without seeking a

formal fee change in a filing before the Commission.

The Exchange does not propose to change the existing prices. If they were at a level that Users found to be too high, Users would likely respond by choosing one of the many alternative options offered by the 16 Telecoms. Conversely, if the prices were aimed at undercutting comparable Telecom circuits, the Telecoms might reassess whether it makes financial sense for them to continue to participate in the MDC's meet-me-rooms. Their departure might negatively impact User participation in colocation and on the Exchange. As a result, the Exchange is not motivated to undercut the prices of Telecom circuits.

In sum, because the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because the Exchange believes that a substantially similar substitute for TF Connectivity is available, and the Exchange has not placed third-party vendors at a competitive disadvantage created by the Exchange, the proposed fees for the TF Connectivity are reasonable.²⁵

For these reasons, the proposed change is reasonable.

The Proposed Change Is Equitable

The Exchange believes that the proposed change provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because it is not designed to permit unfair discrimination between market participants. Rather, it would apply to all market participants equally.

In addition, the Exchange believes that the proposal is equitable because only Users that voluntarily select to receive TF Connectivity would be charged for it. The proposed TF Connectivity is available to all Users on an equal basis, and all Users that voluntarily choose to purchase TF Connectivity would be charged the same amount for that circuit as all other market participants purchasing that type of TF Connectivity or a VCC.

The Exchange believes that it is equitable that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN network, and therefore substantially the

same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option that they prefer and would work best for their specific needs. The Exchange proposes to add a note to the Fee Schedule to clarify the difference, thereby making it easier for potential purchasers of the service to assess what connectivity will best serve them.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory. The proposed change does not apply differently to distinct types or sizes of market participants. Rather, it applies to all market participants equally. The purchase of any proposed service is completely voluntary and the Fee Schedule will be applied uniformly to all market participants.

In addition, the Exchange believes that the proposal is not unfairly discriminatory because only Users that voluntarily select to receive TF Connectivity would be charged for it. TF Connectivity is available to all market participants on an equal basis, and all Users that voluntarily choose to purchase TF Connectivity are charged the same amount as all other market participants purchasing that type of TF Connectivity or a VCC.

The Exchange believes that it is not unfairly discriminatory that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN network, and therefore substantially the same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option they prefer and that would work best for their specific needs. The Exchange proposes to add a note to the Fee Schedule to clarify the difference, thereby making it easier for potential purchasers of the service to assess what connectivity will best serve them.

For the reasons above, the proposed change does not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms, and conditions

²² Note that in the case of wireless connectivity, a User still requires a fiber circuit to transport data. If a Telecom is used, the data is transmitted wirelessly to the relevant pole, and then from the pole to the meet-me-room using a fiber circuit.

²³ See Securities Exchange Act Release No. 97999 (July 26, 2023), 88 FR 50190 (August 1, 2023) (SR-NYSEAmex-2023-36).

²⁴ See *id.* at 50193. Importantly, the Exchange is prevented from making any alteration to its meet-me-room services or fees without filing a proposal for such changes with the Commission.

²⁵ See Wireless Approval Order, *supra* note 16.

established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.²⁶

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.²⁷

The proposed change would not impose a burden on competition among national securities exchanges or among members of the Exchange.

The proposed change would enhance competition in the market for circuits transmitting data into and out of colocation at the MDC to the Trading Floors, by adding TF Connectivity to the existing VCC service, in addition to the 16 Telecoms that also sell circuits to Users. As noted above, TF Connectivity does not have any bandwidth, or other advantage over the Telecoms' circuits.²⁸ The proposal would not burden competition in the sale of such circuits, but rather, enhance it by providing Users with an additional choice for their circuit needs.

The Exchange believes that it would not be a burden on competition that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN network, and therefore substantially the same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option they prefer and that would work best for their specific needs. The Exchange

proposes to add a note to the Fee Schedule to clarify the difference, thereby making it easier for potential purchasers of the service to assess what connectivity will best serve them.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-2025-21 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-2025-21. 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-2025-21 and should be submitted on or before May 19, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁹

Sherry R. Haywood,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102905; File No. SR-LCH SA-2025-004]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to Collateral Concentration Limits

April 22, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4,² notice is hereby given that on April 8, 2025, Banque Centrale de Compensation, which conducts business under the name LCH SA ("LCH SA"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change ("Proposed Rule Change"), as described in Items I, II and III below, which Items have been prepared primarily by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

²⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

²⁶ Partial Amendment No. 1 added this sentence to more closely conform the text of Exhibit 1 of the proposed rule change to the filed Form 19b-4.

²⁷ 15 U.S.C. 78f(b)(8).

²⁸ The Exchange is not aware of any current latency advantage. As noted above, the pathways offered by TF Connectivity and the Telecoms are not normalized within an exchange building, but they do not need to be, and the Exchange believes that Users have no expectation that they would be. These connections are not used for latency-sensitive trading data, but rather for trading-related data or more conventional communications such as email or chat with the User's back office. While Users expect such connections to be reliable and work at a reasonable speed, the Exchange believes that they have no expectation that these connections would be latency sensitive, as they would when transmitting trading data from co-location to the matching engine within the MDC.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

LCH SA is proposing to amend revise the amount of supranational and European agency securities clearing members may post to satisfy initial margin requirements (the "Proposed Rule Change").³ The text of the Proposed Rule Change is provided in Exhibit 5 [SIC]. The implementation of the Proposed Rule Change will be contingent on LCH SA's receipt of all necessary regulatory approvals.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA included statements concerning the purpose of and basis for the Proposed Rule Change and discussed any comments it received on the Proposed Rule Change. The text of these statements may be examined at the places specified in Item IV below. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

LCH SA is proposing to revise the amount of supranational and European agency securities clearing members may post to satisfy initial margin requirements, including by revising the current concentration limit per individual International Securities Identification Number ("ISIN") with respect to the instrument's total outstanding amount. LCH SA currently allows clearing members to post as collateral for initial margin requirements, supranational and European agency debt securities issued by the following entities: Caisse d'Amortissement de la Dette Sociale ("CADES"); European Financial Stability Facility ("EFSF"); European Investment Bank ("EIB"); European Union ("EU"); International Bank for Reconstruction and Development ("IBRD"); European Stability Mechanism ("ESM"); Landwirtschaftliche Rentenbank ("Rentenbank") and Kreditanstalt für Wiederaufbau ("KfW").⁴ Clearing

members may currently post no more than the lower of (1) 50% of the value of the clearing member's initial margin requirement and (2) €500 million for the total amount of supranational and European agency securities. Any remaining initial margin requirements must be satisfied with either cash or other eligible securities.

LCH SA is now proposing to apply individual limits to supranational and European agency securities, rather than applying a single limit across all such issuers. The application of individual limits by the issuer will provide clearing members more flexibility in the composition of securities collateral posted as margin and to allow for LCH SA to apply a targeted approach to establishing limits on such acceptable collateral. LCH SA's Collateral and Liquidity Risk Management team ("CaLM") will establish limits for each security type based on a market analysis of the credit and liquidity risk profile of each issuer. Should market conditions or the credit or liquidity risk profile of the issuer change, CaLM will be afforded more precision in how it may adjust limits and/or concentration thresholds, while continuing to manage the overall collateral risk of all securities lodged to satisfy clearing member margin requirements. The Proposed Rule Change will also further align how LCH SA currently manages the risk for all non-cash collateral and provide consistency with the collateral management practices for non-cash collateral at LCH Limited.

Following an analysis of the risk profile for each supranational and European agency security instrument,⁵ LCH SA is proposing to establish the limit of supranational and European agency securities to be the lesser of 50% of the value of the member's initial margin requirement and as follows for each issuer:

- EU €2,000 million;
- EIB €1,250 million;
- EFSF €750 million;
- IBRD €750 million;
- ESM €750 million;
- KfW €1,250 million;
- Rentenbank €500 million; and
- CADES €500 million.

As part of this revision to the supranational and European agency

<https://www.lseg.com/content/dam/post-trade/en-us/documents/lch/collateral-management/lch-sa/acceptable-collateral-haircuts-lch-sa.pdf>.

⁵ In accordance with LCH SA's Collateral Risk Management Policy, non-cash collateral limits are established following an analysis of the market, credit, concentration and liquidity risk of each issuer. LCH SA also evaluates wrong-way risk and FX risk, and following this comprehensive analysis of each issuer, will establish a limit commensurate with the risk appetite determined in accordance with LCH SA's Risk Governance Framework.

securities' limits, LCH SA is also proposing to apply a more conservative concentration limit per ISIN of each security type from the current level of 25% to 15%.⁶ The proposed concentration limit of 15% acknowledges that SSA issuances are slightly less liquid than core EGBs, which have a 25% concentration limit set, whilst maintaining strong credit quality. The application of a more conservative concentration limit by individual ISIN aligns with LCH SA's current practices of managing concentration risk should LCH SA need to liquidate the collateral in the event of a clearing member default.⁷ LCH SA is not proposing the addition of any new non-cash collateral types and the limits established herein are for supranational and European agency securities already acceptable as margin collateral.

To determine the respective limits for each security type, LCH SA assessed the Internal Credit Score ("ICS") of each issuer, the total amount of each issue outstanding and the weighted average of the yield bid-ask spread. LCH SA then assessed the liquidation cost for each issuer's ISIN by working with select investment counterparties to perform a hypothetical liquidation analysis at certain portfolio amounts under stressed market conditions. The results of this analysis were used to validate the proposed individual limits and for purposes of evaluating the associated haircuts. Following this exercise, LCH SA determined the limits reflected in the Proposed Rule Change adequately incorporate the liquidity profile of the issue, the credit risk profile of the issuer and have appropriately conservative haircuts that covers both the bid price variation and the additional liquidation costs (related to the increased concentration) associated with each security type under stressed market conditions. Notwithstanding the foregoing, LCH SA will monitor the

⁶ Information regarding concentration limits per ISIN is available on LCH SA's Knowledge Center, which is only accessible to members. The internal link to access those limits is: https://lseg.lightning.force.com/lightning/r/Knowledge__kav/ka0WT0000002jyYAA/view.

⁷ Please see Section 3 ("Collateral, Variation Margin and Cash Payment") of LCH SA's CDS Clearing Procedures and LCH SA's list of eligible securities available here: <https://www.lseg.com/en/post-trade/clearing/collateral-management/sa-collateral-management/sa-acceptable-collateral/sa-acceptable-securities>. LCH SA has additional tools to manage concentration and/or liquidity risk for non-cash collateral. This includes applying a concentration/liquidity charge added on top of the issuer's base haircut, establishing a hard cap per individual ISIN and establishing a mid- to bid-price adjustment on the security. Notwithstanding the foregoing, any concentration limit breaches will be escalated and managed in accordance with LCH SA's Collateral Risk Management Policy.

³ All capitalized terms not defined herein have the same meaning as in the Rule Book or Procedures, as applicable, in their version as available on LCH SA's website: <https://www.lch.com/resources/rulebooks/lch-sa>.

⁴ LCH SA's list of eligible securities as collateral and the respective haircuts can be found here:

limits and calibrate the associated haircuts as part of its ongoing collateral risk management processes.

2. Statutory Basis

LCH SA believes that the Proposed Rule Change is consistent with the requirements of Section 17A of the Exchange Act⁸ and the regulations thereunder, including the clearing agency standards under Exchange Act Rule 17Ad-22.⁹ Section 17A(b)(3)(F) of the Exchange Act¹⁰ requires, among other things, that rules of the clearing agency are designed to . . . assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.

LCH SA is proposing to revise the amount of supranational and European agency securities clearing members may post to satisfy initial margin requirements by establishing individual limits per issuer, rather than a single limit across all issuers. LCH SA currently allows clearing members to post as collateral for initial margin requirements, supranational and European agency debt securities and is not proposing to expand the composition of eligible collateral. Instead, LCH SA is proposing to establish individual limits for each supranational and European agency security type following an analysis of each issuer's market, credit, concentration, liquidity, wrong-way and FX risk in accordance with its Collateral Risk Management Policy. The resulting proposed limits will therefore incorporate the credit and liquidity risk profile for each issuer and will be reviewed on an ongoing basis as part of LCH SA's established collateral risk management practices. Based on the foregoing, LCH SA believes that the Proposed Rule Change is consistent with the requirements of Section 17A of the Exchange Act,¹¹ and in particular with respect to assuring it can adequately safeguard the securities in its custody for which it is responsible. Specifically, the proposed limits per issuer and concentration limit per ISIN, will further ensure LCH SA manages the risk of collateral in its custody for purposes of facilitating its clearing and settlement responsibilities in accordance with the Act.

LCH SA also believes that the Proposed Rule Change is consistent with the requirements of Exchange Act

Rule 17Ad-22(e)(5).¹² Rule 17Ad-22(e)(5) provides, *inter alia*, that a covered clearing agency limit the assets it accepts as collateral to those with low credit, liquidity, and market risks, and set and enforce appropriately conservative haircuts and concentration limits if the covered clearing agency requires collateral to manage its or its participants' credit exposure; and require a review of the sufficiency of its collateral haircuts and concentration limits to be performed not less than annually.¹³ LCH SA believes that the Proposed Rule Change is consistent with Rule 17Ad-22(e)(5).¹⁴ LCH SA currently only accepts non-cash collateral with minimal credit, liquidity and market risks, including select supranational and European agency securities, and has established conservative haircuts and concentration limits for these securities. LCH SA is proposing a more targeted approach to managing the composition of non-cash securities collateral by establishing individual limits by issuer and applying a more conservative concentration limit by ISIN. As per existing collateral management practices, LCH SA would re-evaluate and potentially revise these limits should market conditions or the credit or liquidity risk profile of the issuer change. In doing so, LCH SA will be able to continue to manage the overall collateral risk of all securities lodged to satisfy clearing member margin requirements and provide consistency with the collateral management practices for non-cash collateral at LCH Limited. Therefore, LCH SA believes that the Proposed Rule Change is consistent with Rule 17Ad-22(e)(5).¹⁵

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.¹⁶ LCH SA does not believe the Proposed Rule Change would have any impact, or impose any burden, on competition. The Proposed Rule Change does not address any competitive issue or have any impact on the competition among central counterparties. LCH SA operates an open access model, and the Proposed

Rule Change will have no effect on this model.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the Proposed Rule Change have not been solicited or received. LCH SA will notify the Commission of any written comments received by LCH SA.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-LCH SA-2025-004 on the subject line.

Paper Comments

- Send paper comments in triplicate to Vanessa Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549. All submissions should refer to file number SR-LCH SA-2025-004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the

⁸ 15 U.S.C. 78q-1.

⁹ 17 CFR 240.17ad-22.

¹⁰ 15 U.S.C. 78q-1(b)(3)(F).

¹¹ *Id.*

¹² 17 CFR 240.17ad-22(e)(5).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ 15 U.S.C. 78q-1(b)(3)(I).

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of LCH SA and on LCH SA's website at: <https://www.lch.com/resources/rulebooks/proposed-rule-changes>. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–LCH SA–2025–004 and should be submitted on or before May 19, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–07218 Filed 4–25–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102902; File No. SR–NYSETEX–2025–03]

Self-Regulatory Organizations; NYSE Texas, Inc.; Notice of Filing of a Proposed Rule Change To Amend the Virtual Control Circuit Service in the Connectivity Fee Schedule

April 22, 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 7, 2025, NYSE Texas, Inc. (“NYSE Texas” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit

comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the virtual control circuit service in the Connectivity Fee Schedule (“Fee Schedule”) to include connectivity to the New York Stock Exchange LLC, NYSE American LLC, and NYSE Arca, Inc. trading floors. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the virtual control circuit (“VCC”) service in the Fee Schedule to include connectivity to the New York Stock Exchange LLC (“NYSE”), NYSE American LLC (“NYSE American”), and NYSE Arca, Inc. (“NYSE Arca”) trading floors (“Trading Floors”).⁴

Currently, the Fee Schedule includes VCC services, which may be between two Users⁵ in the Mahwah, New Jersey

data center (“MDC”),⁶ a User inside the MDC and another party outside of the MDC at a remote access center, or a User inside the MDC and the same User outside of the MDC at a remote access center.⁷

The Exchange proposes to amend the Fee Schedule to include connections between the MDC and a Trading Floor, which may be between a User and itself on the Trading Floor or between the User and a third party on the Trading Floor. More specifically, a User may have a unicast connection through which it can establish a connection between the MDC and a Trading Floor over dedicated bandwidth (“TF Connections”).⁸ Such a TF Connection can be in the form of a VCC between the MDC and a single Trading Floor (“TF VCC”), or a virtual routing and forwarding service between the MDC and one or more Trading Floors (“TF VRF”). No matter what the form of the TF Connection, it runs between the MDC and the User's or third party's equipment physically located on a Trading Floor.

TF VCC and TF VRF connections are both TF Connections even though TF VCCs may connect to one Trading Floor and TF VRFs may connect to one or more Trading Floors, because although they are different in terms of their technical setup, they both utilize the same IGN network and thus are substantially the same in latency and reliability. A User would choose between them based on the factors that it wished, including technical preference and consistency. For example, if a User was setting up a link between the MDC and two Trading Floors, it may prefer a TF VRF, but if it had VCCs elsewhere in its setup, it may have a technological preference for a TF VCC.

The User may use its TF Connection, for example, for receiving and transmitting trading-related data, including pre- and post-trade data and

substantially the same proposed rule change to propose the change described herein. See SR–NYSE–2025–12, SR–NYSEAMER–2025–21, SR–NYSEARCA–2025–29, and SR–NYSENAT–2025–07.

⁶ Through its Fixed Income and Data Services (“FIDS”) business, Intercontinental Exchange, Inc. (“ICE”) operates the MDC. The Exchange and the Affiliate SROs are indirect subsidiaries of ICE.

⁷ See Securities Exchange Act Release No. 101577 (November 12, 2024), 89 FR 90893 (November 18, 2024) (SR–NYSECHX–2024–31).

⁸ Information flows over existing network connections in two formats: “unicast” format, which is a format that allows one-to-one communication, similar to a phone line, in which information is sent to and from the Exchange; and “multicast” format, which is a format in which information is sent one-way from the Exchange to multiple recipients at once, like a radio broadcast.

¹⁷ 17 CFR 200.30–3(a)(12).

¹⁵ 15 U.S.C. 78s(b)(1).

²⁵ 15 U.S.C. 78a.

¹⁷ 17 CFR 240.19b–4.

⁴ “Trading Floor” is used as defined in, as applicable, NYSE Rule 6A (Trading Floor), NYSE American Scope of Terms (17), and NYSE Arca Rule 1 (Definitions), Floor, Trading Floor and Options Trading Floor. NYSE Texas and NYSE National, Inc. do not have trading floors.

⁵ For purposes of the Exchange's colocation services, a “User” means any market participant that requests to receive colocation services directly from the Exchange. See Securities Exchange Act Release No. 87408 (October 28, 2019), 84 FR 58778 at n.6 (November 1, 2019) (SR–NYSECHX–2019–12). As specified in the Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by the NYSE, NYSE American, NYSE Arca, and NYSE National, Inc. (together, the “Affiliate SROs”). Each Affiliate SRO has submitted

clearing information. Such a use would include an options Market Maker⁹ on the NYSE American or NYSE Arca options trading floor using a computer that has their firm's theoretical values and options market data, which they then use to provide verbal bid/offers in response to floor broker requests for quotes. A User also may also use its TF Connection for providing services to individuals physically located on the trading floor, including access to back-office systems, such as by using it to communicate with counterparts that are off the Trading Floor by email or chat. The User determines how its TF Connection is used: neither FIDS nor the Exchange has any visibility into a TF Connection.

For the avoidance of doubt, all NYSE, NYSE American and NYSE Arca equities and options members and member organizations,¹⁰ including without limitation NYSE floor brokers and Designated Market Makers, and floor brokers, options market makers, and specialists on the NYSE American and NYSE Arca trading floors, remain

subject to NYSE, NYSE American and NYSE Arca rules regarding activities on the relevant Trading Floor. The proposed connections from the MDC to a Trading Floor do not contravene or limit such rules or the ability of the NYSE, NYSE American or NYSE Arca to surveil for compliance with such rules, including without limitation NYSE Rules 36 (Communications Between Exchange and Members Offices), 98 (Operation of a DMM Unit), and 104 (Dealings and Responsibilities of DMMs). All NYSE, NYSE American or NYSE Arca rules would continue to apply, including any rules regarding limitations on the use of electronic communications from or to the Trading Floor.

All TF Connections must be authorized by both parties to the connection before FIDS will establish a connection. Establishing a User's TF Connection will not give FIDS or the Exchange any right to use the relevant exchange's system. A TF Connection will not provide direct access or order entry to the Exchange's execution

system, and a User's TF Connection will not be through the Exchange's execution system.

No change to the existing fee is proposed. As with the existing VCC service, when a User requests a TF Connection, it would identify the size of bandwidth connection it required, and the monthly charge for the TF Connection would be based on the size of the bandwidth requested.

While the proposed fees for the TF VCC and TF VRF are identical, the amount of the monthly fee may differ based on whether the form chosen by the User is a TF VCC or TF VRF. This is because the TF VCC connects the MDC to one Trading Floor, while the TF VRF may connect the MDC to more than one Trading Floor. Accordingly, the Exchange proposes to add a note to the Fee Schedule to clarify the difference between the two.

To make the change, the Exchange proposes to amend the Fee Schedule as follows (new text italicized):

Type of service	Description (Mb)	Amount of charge (monthly charge)
<i>Virtual Routing and Forwarding service to Trading Floor or Virtual Control Circuit*</i>	1	\$200
	3	400
	5	500
	10	800
	25	1,200
	50	1,800
	100	2,500

**A virtual control circuit ("VCC") is between the Mahwah data center and a single end point, including a Trading Floor, while a virtual routing and forwarding service ("VRF") can be between the Mahwah data center and one or more Trading Floors. If the User chooses VCCs or a combination of a VCC and a VRF for connectivity to several Trading Floors, it will be charged separately for each connection. If the User chooses one VRF for connectivity to multiple trading floors, the User will be charged for one connection.*

General

The proposed rule change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally. As is currently the case, the Fee Schedule would be applied uniformly to all Users. FIDS does not expect that the proposed rule change will result in new Users.

Use of the services proposed in this filing are completely voluntary and available to all Users on a non-discriminatory basis.

The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that customers

would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹² in particular, because 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 and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,¹³ because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable.

In considering the reasonableness of proposed services and fees, the

⁹ See, as applicable, NYSE American Rule 920NY (Market Makers) and NYSE Arca Rule 6.32-O (Market Maker Defined).

¹⁰ See NYSE Rule 2(b) ("Member," "Membership," "Member Firm," etc.); NYSE American Rule 900.2NY(5) (Definitions).

1.1(e) (Definitions); NYSE American Rule 2(b)(i)—Equities ("Member," "Membership," "Member Firm," etc.); NYSE American Rule 900.2NY(5) (Definitions).

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

¹³ 15 U.S.C. 78f(b)(4).

Commission's market-based test considers "whether the exchange was subject to significant competitive forces in setting the terms of its proposal . . . , including the level of any fees."¹⁴ If the Exchange meets that burden, "the Commission will find that its proposal is consistent with the Act unless 'there is a substantial countervailing basis to find that the terms' of the proposal violate the Act or the rules thereunder."¹⁵ Here, the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because substantially similar substitutes are available, and the third-party vendors are not at a competitive disadvantage created by the Exchange.

In 2013 the MDC opened two meet-me-rooms to telecommunications service providers ("Telecoms"),¹⁶ to enable Telecoms to offer circuits into the MDC. The TF Connections compete with circuits currently offered by the 16 third-party Telecoms that have installed their equipment in the MDC's two meet-me-rooms.

The Telecom circuits (including any circuit-based network services a Telecom may offer) are reasonable substitutes for TF Connections. The Commission has recognized that products do not need to be identical to be considered substitutable; it is sufficient that they be substantially similar.¹⁷

Telecoms can provide Users with connections to the Trading Floors. Specifically, Telecoms can connect to a Trading Floor entity's equipment in the same building as the Trading Floor. That connection would then extend to the Trading Floor through the relevant exchange's network and infrastructure. The path the traffic takes from the MDC

to the Trading Floor, to the extent that FIDS controls it, is similar irrespective of whether the service is provided by a Telecom or FIDS. Those pathways are not normalized within an exchange building, but they do not need to be, and the Exchange believes that Users have no expectation that they would be. As described above, these connections are not used for latency-sensitive trading data, but rather for trading-related data or more conventional communications such as email or chat with the User's back office. While Users expect such connections to be reliable and work at a reasonable speed, the Exchange believes that they have no expectation that these connections would be latency sensitive, as they would when transmitting trading data from co-location to the matching engine within the MDC. In other words, the circuits provided by the Telecoms directly compete with the TF Connections.

The providers of the TF Connection and Telecom circuits design them to perform with particular combinations of equipment, latency, bandwidth, price, termination point, and other factors that they believe will attract Users, and Users choose from among these competing services on the basis of their business needs.

The TF Connections are sufficiently similar substitutes to the circuits offered by the 16 Telecoms. While neither the Exchange nor FIDS knows the end point of any particular Telecom circuit, the Exchange understands that the Telecoms can offer circuits terminating in any location, including the Trading Floors.¹⁸ Moreover, the Telecoms may offer smaller circuits that are the same as or similar size to the TF Connections. Ultimately, Users can choose to configure their pathway in the way that best suits their business needs.

The TF Connections do not have a distance or latency advantage over the Telecoms' circuits within the MDC. FIDS has normalized (a) the distance between the meet-me-rooms and the colocation halls and (b) the distance between the rooms where the FIDS circuits and the TF Connections exit the MDC and the colocation halls. As a result, a User choosing whether to use the TF Connections or Telecom circuits does not face any difference in the distances or latency within the MDC. The Exchange is not aware of any differences under its control that give the Exchange a latency advantage.

The Exchange also believes that the TF Connections do not have any bandwidth advantage or substantial distance advantage over the Telecoms' circuits within the buildings of the Trading Floors. The Exchange believes that the Telecoms offer circuits with a variety of latency and bandwidth specifications, some of which may exceed the specifications of the TF Connections.¹⁹ The Exchange believes that Users consider these latency and bandwidth factors—as well as other factors, such as equipment, price and termination point—in determining which offerings will best serve their business needs.

In sum, the Exchange is not aware of anything that would make the Telecoms' circuits inadequate substitutes for the TF Connections.

Nor does the Exchange have a competitive advantage over any third-party competitors by virtue of the fact that it owns and operates the MDC's meet-me-rooms. In most cases, circuits coming out of the MDC are provided by the Telecoms.²⁰ Currently, 16 Telecoms operate in the meet-me-rooms and provide a variety of circuit choices. It is in the Exchange's best interest to set the fees that Telecoms pay to operate in the meet-me-rooms at a reasonable level²¹ so that market participants, including Telecoms, will maximize their use of the MDC. By setting the meet-me-room fees at a reasonable level, the Exchange encourages Telecoms to participate in the meet-me-rooms and to sell circuits to Users for connecting into and out of the MDC. These Telecoms then compete with each other by pricing such circuits at competitive rates. These competitive rates for circuits help draw in more Users and Hosted Customers to the MDC, which directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to many third-party data feeds, and because having more Users and Hosted Customers leads, in many cases, to greater participation on the Exchange. In

¹⁴ Securities Exchange Act Release No. 90209 (October 15, 2020), 85 FR 67044, 67049 (October 21, 2020) (Order Granting Accelerated Approval to Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Wireless Market Data Connections) (SR–NYSE–2020–05, SR–NYSEAMER–2020–05, SR–NYSEArca–2020–08, SR–NYSECHX–2020–02, SR–NYSENAT–2020–03, SR–NYSE–2020–11, SR–NYSEAMER–2020–10, SR–NYSEArca–2020–15, SR–NYSECHX–2020–05, SR–NYSENAT–2020–08) ("Wireless Approval Order"), citing Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74781 (December 9, 2008) ("2008 ArcaBook Approval Order"). See *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010).

¹⁵ Wireless Approval Order, *supra* note 15, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 15, at 74781.

¹⁶ Telecoms are licensed by the Federal Communications Commission and are not required to be, or be affiliated with, a member of the Exchange or an Affiliate SRO.

¹⁷ See 2008 ArcaBook Approval Order, *supra* note 15, at 74789 and note 295 (recognizing that products need not be identical to be substitutable).

¹⁸ Specifically, any Telecom can connect to a Trading Floor's equipment in the same building as the Trading Floor. That connection would then extend to the Trading Floor through the relevant exchange's network and infrastructure.

¹⁹ The specifications of FIDS's competitors' circuits are not publicly known. The Exchange understands that FIDS has gleaned any information it has about its competitors through anecdotal communications, by observing customers' purchasing choices in the competitive market, and from its own experience as a purchaser of circuits from telecommunications providers to build FIDS's own networks.

²⁰ Note that in the case of wireless connectivity, a User still requires a fiber circuit to transport data. If a Telecom is used, the data is transmitted wirelessly to the relevant pole, and then from the pole to the meet-me-room using a fiber circuit.

²¹ See Securities Exchange Act Release No. 98001 (July 26, 2023), 88 FR 50202 (August 1, 2023) (SR–NYSECHX–2023–14).

this way, by setting the meet-me-room fees at a level attractive to telecommunications firms, the Exchange spurs demand for all of the services it sells at the MDC, while setting the meet-me-room fees too high would negatively affect the Exchange's ability to sell its services at the MDC.²² Accordingly, there are real constraints on the meet-me-room fees the Exchange charges, such that the Exchange does not have an advantage in terms of costs when compared to third parties that enter the MDC through the meet-me-rooms to provide services to compete with the Exchange's services.

If anything, the Exchange would be subject to a competitive disadvantage vis-à-vis the Telecoms. They are not subject to the Commission's filing requirements, and therefore can freely change their services and pricing in response to competitive forces. In contrast, the Exchange's service and pricing would be standardized as set out in this filing, and the Exchange would be unable to respond to pricing pressure from its competitors without seeking a formal fee change in a filing before the Commission.

The Exchange does not propose to change the existing prices. If they were at a level that Users found to be too high, Users would likely respond by choosing one of the many alternative options offered by the 16 Telecoms. Conversely, if the prices were aimed at undercutting comparable Telecom circuits, the Telecoms might reassess whether it makes financial sense for them to continue to participate in the MDC's meet-me-rooms. Their departure might negatively impact User participation in colocation and on the Exchange. As a result, the Exchange is not motivated to undercut the prices of Telecom circuits.

In sum, because the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because the Exchange believes that a substantially similar substitute for TF Connectivity is available, and the Exchange has not placed third-party vendors at a competitive disadvantage created by the Exchange, the proposed fees for the TF Connectivity are reasonable.²³

For these reasons, the proposed change is reasonable.

The Proposed Change Is Equitable

The Exchange believes that the proposed change provides for the

equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because it is not designed to permit unfair discrimination between market participants. Rather, it would apply to all market participants equally.

In addition, the Exchange believes that the proposal is equitable because only Users that voluntarily select to receive TF Connectivity would be charged for it. The proposed TF Connectivity is available to all Users on an equal basis, and all Users that voluntarily choose to purchase TF Connectivity would be charged the same amount for that circuit as all other market participants purchasing that type of TF Connectivity or a VCC.

The Exchange believes that it is equitable that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN network, and therefore substantially the same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option that they prefer and would work best for their specific needs. The Exchange proposes to add a note to the Fee Schedule to clarify the difference, thereby making it easier for potential purchasers of the service to assess what connectivity will best serve them.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory. The proposed change does not apply differently to distinct types or sizes of market participants. Rather, it applies to all market participants equally. The purchase of any proposed service is completely voluntary and the Fee Schedule will be applied uniformly to all market participants.

In addition, the Exchange believes that the proposal is not unfairly discriminatory because only Users that voluntarily select to receive TF Connectivity would be charged for it. TF Connectivity is available to all market participants on an equal basis, and all Users that voluntarily choose to purchase TF Connectivity are charged the same amount as all other market

participants purchasing that type of TF Connectivity or a VCC.

The Exchange believes that it is not unfairly discriminatory that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN network, and therefore substantially the same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option they prefer and that would work best for their specific needs. The Exchange proposes to add a note to the Fee Schedule to clarify the difference, thereby making it easier for potential purchasers of the service to assess what connectivity will best serve them.

For the reasons above, the proposed change does not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms, and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.²⁴

The proposed change would not impose a burden on competition among national securities exchanges or among members of the Exchange.

The proposed change would enhance competition in the market for circuits transmitting data into and out of colocation at the MDC to the Trading Floors, by adding TF Connectivity to the existing VCC service, in addition to the 16 Telecoms that also sell circuits to Users. As noted above, TF Connectivity does not have any bandwidth, or other advantage over the Telecoms' circuits.²⁵

²⁴ 15 U.S.C. 78f(b)(8).

²⁵ The Exchange is not aware of any current latency advantage. As noted above, the pathways offered by TF Connectivity and the Telecoms are not normalized within an exchange building, but they do not need to be, and the Exchange believes that Users have no expectation that they would be. These connections are not used for latency-sensitive trading data, but rather for trading-related data or more conventional communications such as email or chat with the User's back office. While Users

²² See *id.* at 50199. Importantly, the Exchange is prevented from making any alteration to its meet-me-room services or fees without filing a proposal for such changes with the Commission.

²³ See Wireless Approval Order, *supra* note 15.

The proposal would not burden competition in the sale of such circuits, but rather, enhance it by providing Users with an additional choice for their circuit needs.

The Exchange believes that it would not be a burden on competition that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN network, and therefore substantially the same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option they prefer and that would work best for their specific needs. The Exchange proposes to add a note to the Fee Schedule to clarify the difference, thereby making it easier for potential purchasers of the service to assess what connectivity will best serve them.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period *up to 90 days* (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

expect such connections to be reliable and work at a reasonable speed, the Exchange believes that they have no expectation that these connections would be latency sensitive, as they would when transmitting trading data from co-location to the matching engine within the MDC.

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-NYSETEX-2025-03 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-NYSETEX-2025-03. 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-NYSETEX-2025-03 and should be submitted on or before May 19, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-07215 Filed 4-25-25; 8:45 am]

BILLING CODE 8011-01-P

²⁶ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102908; File No. SR-DTC-2025-007]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change To Amend the Recovery and Wind-Down Plan To Satisfy the Requirements of Exchange Act Rule 17ad-26

April 22, 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 16, 2025, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency.³ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The R&W Plan was adopted in August 2018, has been amended over time to reflect changes since its adoption,⁴ and is maintained by DTC for compliance with Rule 17ad-22(e)(3)(ii) under the Act.⁵ Rule 17ad-22(e)(3)(ii) requires registered clearing agencies to, in short, establish, implement and maintain plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses. The Plan is intended to be used by the Board and DTC management in the event DTC

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Capitalized terms not defined herein are defined in the Rules, By-Laws and Organization Certificate of DTC (the "Rules"), available at www.dtcc.com/-/media/Files/Downloads/legal/rules/dtc_rules.pdf, or in the Recovery & Wind-down Plan of DTC (the "Recovery & Wind-down Plan," "R&W Plan" or "Plan").

⁴ See Securities Exchange Act Release Nos. 83972 (Aug. 28, 2018), 83 FR 44964 (Sept. 4, 2018) (SR-DTC-2017-021); 83953 (Aug. 27, 2018), 83 FR 44381 (Aug. 30, 2018) (SR-DTC-2017-803); 98330 (Sept. 8, 2023), 88 FR 63169 (Sept. 14, 2023) (SR-DTC-2023-008); 91429 (Mar. 29, 2021), 86 FR 17421 (Apr. 2, 2021) (SR-DTC-2021-004); and 102756 (Apr. 1, 2025), 90 FR 15019 (Apr. 7, 2025) (SR-DTC-2025-004).

⁵ 17 CFR 240.17ad-22(e)(3)(ii). DTC is a "covered clearing agency" as defined in Rule 17ad-22(a)(5) under the Act and must comply with paragraph (e) of Rule 17ad-22. In 2012, DTC was designated a systemically important financial market utility ("SIFMU") by the Financial Stability Oversight Council ("FSOC").

encounters scenarios that could potentially prevent it from being able to provide its critical services to the marketplace as a going concern. The R&W Plan is managed by the Office of Recovery & Resolution Planning (referred to in the Plan as the “R&R Team”) of DTC’s parent company, the Depository Trust & Clearing Corporation (“DTCC”),⁶ on behalf of DTC, with review and oversight by the DTCC Executive Committee and the Board.

The R&W Plan is comprised of two primary sections: (i) the “Recovery Plan,” which sets out the tools and strategies to enable DTC to recover, in the event it experiences losses that exceed its prefunded resources, and (ii) the “Wind-down Plan,” which describes the tools and strategies to be used to conduct an orderly wind-down of DTC’s business in a manner designed to permit the continuation of DTC’s critical services in the event that its recovery efforts are not successful.

The purpose of the rule proposal is to amend the R&W Plan to satisfy the requirements of new Exchange Act Rule 17ad–26⁷ (the “RWP Rule” or “Rule 17ad–26”), which codifies the definitions of “Recovery”⁸ and “Orderly wind-down,”⁹ and requires that plans for the recovery and orderly wind-down of a covered clearing agency, such as DTC, identify and

include certain specific elements.¹⁰ In addition to incorporating the required elements into the Plan, the rule proposal would also make other conforming updates and technical revisions consistent with the RWP Rule, including incorporating key terms as defined in Rule 17ad–26. DTC believes that by helping to ensure that the R&W Plan meets the requirements of Rule 17ad–26 and making necessary amendments and technical revisions that provide additional clarity, the proposed rule change will help DTC ensure that, in times of extreme market stress, the Plan can ensure continuity of DTC’s critical services and enable Participants and Pledges to maintain access to DTC’s services through the transfer of its membership in the event DTC defaults or the Wind-down Plan is ever triggered by the Board.

II. Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Executive Summary

The R&W Plan was adopted in August 2018, has been amended over time to reflect changes since its adoption,¹¹ and is maintained by DTC for compliance with Rule 17ad–22(e)(3)(ii) under the Act.¹² Rule 17ad–22(e)(3)(ii) requires registered clearing agencies to, in short, establish, implement and maintain plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses. The Plan is intended to be used by the Board and DTC management in the event DTC encounters scenarios that could

potentially prevent it from being able to provide its critical services to the marketplace as a going concern. The R&W Plan is managed by the R&R Team of DTC’s parent company, DTCC,¹³ on behalf of DTC, with review and oversight by the DTCC Executive Committee and the Board.

The R&W Plan is comprised of two primary sections: (i) the “Recovery Plan,” which sets out the tools and strategies to enable DTC to recover, in the event it experiences losses that exceed its prefunded resources, and (ii) the “Wind-down Plan,” which describes the tools and strategies to be used to conduct an orderly wind-down of DTC’s business in a manner designed to permit the continuation of DTC’s critical services in the event that its recovery efforts are not successful.

The purpose of the rule proposal is to amend the R&W Plan to satisfy the requirements of new Exchange Act Rule 17ad–26,¹⁴ which codifies the definitions of “Recovery”¹⁵ and “Orderly wind-down,”¹⁶ and requires that plans for the recovery and orderly wind-down of a covered clearing agency, such as DTC, identify and include certain specific elements.¹⁷ In addition to incorporating the required elements into the Plan, the rule proposal would also make other conforming updates and technical revisions consistent with the RWP Rule, including incorporating key terms as defined in Rule 17ad–26. DTC believes that by helping to ensure that the R&W Plan meets the requirements of Rule 17ad–26 and making necessary amendments and technical revisions that provide additional clarity, the proposed rule change will help DTC ensure that, in times of extreme market stress, the Plan can ensure continuity of DTC’s critical services and enable Participants and Pledges to maintain access to DTC’s services through the transfer of its membership in the event DTC defaults or the Wind-down Plan is ever triggered by the Board.

Background

As stated above, the R&W Plan is managed by the R&R Team, with review and oversight by the DTCC Executive Committee and the Board. DTC completed its most recent review of the Plan in 2024, prior to the SEC’s adoption of Rule 17ad–26.¹⁸ The proposed rule change reflects

⁶ DTCC operates on a shared service model with respect to DTC and its other affiliated clearing agencies, National Securities Clearing Corporation (“NSCC”) and Fixed Income Clearing Corporation (“FICC”). Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides relevant services to DTC, NSCC and FICC (collectively, the “Clearing Agencies”).

⁷ See Covered Clearing Agency Resilience and Recovery and Orderly Wind-down Plan, Exchange Act Release No. 101446 (October 25, 2024), 89 FR 91000 (November 18, 2024) (S7–10–23).

⁸ *Id.* Pursuant to Rule 17ad–26, “Recovery” means the actions of a covered clearing agency, consistent with its rules, procedures, and other *ex ante* contractual arrangements, to address any uncovered loss, liquidity shortfall, or capital inadequacy, whether arising from participant default or other causes (such as business, operational, or other structural weaknesses), including actions to replenish any depleted prefunded financial resources and liquidity arrangements, as necessary to maintain the covered clearing agency’s viability as a going concern and to continue its provision of core services, as identified by the covered clearing agency pursuant to (a)(1) of this section.”

⁹ *Id.* Pursuant to Rule 17ad–26, “Orderly wind-down” means the actions of a covered clearing agency to effect the permanent cessation, sale, or transfer of one or more of its core services, as identified by the covered clearing agency pursuant to paragraph (a)(1) of this section, in a manner that would not increase the risk of significant liquidity, credit, or operational problems spreading among financial institutions or markets and thereby threaten the stability of the U.S. financial system.”

¹⁰ *Id.* Rule 17ad–26 identifies the elements that a covered clearing agency’s RWP must contain, including: (i) elements related to planning, including the identification and use of scenarios, triggers, tools, staffing and services providers, and (ii) testing and board approval of the plans.

¹¹ *Supra* note 4.

¹² *Supra* note 5.

¹³ *Supra* note 6.

¹⁴ *Supra* note 7.

¹⁵ *Supra* note 8.

¹⁶ *Supra* note 9.

¹⁷ *Supra* note 10.

¹⁸ *Supra* note 4.

amendments proposed to the Plan that are intended to address the requirements of Rule 17ad-26, which are described in greater detail below.

Proposed Amendments

A. Proposed Changes To Reflect the Requirements of Rule 17ad-26

DTC is proposing changes to the Plan to reflect the requirements of Rule 17ad-26. Specifically, DTC proposes to amend the Plan to incorporate a series of attachments to be added to the end of the Plan that address the requirements of Rule 17ad-26. The proposed attachments would address those requirements of the RWP Rule that are not otherwise covered by the current Plan. DTC would also add a new section to the Plan, Section 9 (Compliance with SEC Rule 17ad-26: Recovery and Orderly Wind-down Plans of Covered Clearing Agencies) describing each of the attachments.

The following are the required elements of Rule 17ad-26 with descriptions of the proposed new attachments to the Plan or, where applicable, the relevant section of the Plan in which the element is already addressed.

Rule 17ad-26(a)(1) (Core Services): This element of the RWP Rule requires, among other things, that the covered clearing agency identify and describe its core payment, clearing, and settlement services. DTC's current Plan already includes the information necessary to satisfy this aspect of Rule 17ad-26. Therefore, other than the relevant name changes needed to replace the term "Critical" with "Core," consistent with the RWP Rule¹⁹ the rule proposal would not amend this portion of the Plan. Specifically, Section 3 (Critical Services) defines the criteria for classifying certain of DTC's services as "critical,"²⁰ and identifies such critical services and the rationale for their classification. There is a table (Table 3-B: DTC Critical Services) that lists each of the services, functions or activities that DTC has identified as "critical"

based on the applicability of the criteria.²¹

Rule 17ad-26(a)(1)(i) (Staffing): Attachment A-1 of the Plan would address the requirements of Rule 17ad-26(a)(1)(i), which requires that DTC include identification of the staffing roles necessary to support DTC's core services.²² Specifically, Attachment A-1 would be in the form of an Excel spreadsheet and would identify the staffing roles necessary to support the core services of DTC as identified and described in the Plan, in the event of a recovery and during an orderly wind-down. Attachment A-1 would identify the core service and describe the necessary staffing roles, broken out by the number of managers and performers required within the relevant department (for example, Operations, IT). It would also include whether the number of roles is equal to the current business as usual staffing or less and provide a rationale as to why.

Rule 17ad-26(a)(1)(ii) (Staffing Analysis): Attachment A-2 of the Plan would address the requirement in Rule 17ad-26(a)(1)(ii)²³ that DTC analyze how the staffing roles necessary to support the core services identified and described in Attachment A-1 would continue in the event of a recovery and during an orderly wind-down. Specifically, Attachment A-2 would be an analysis that identifies the potential challenges of retaining staffing roles during a recovery or wind-down event and potential ways DTC has identified to address those challenges so that the core services can continue uninterrupted. The analysis would acknowledge that retaining staff can be particularly challenging during recovery or orderly wind-down periods as uncertainties may lead to employee apprehension. It would also reflect the fact that DTCC cannot guarantee staff retention, but that DTCC has developed various tools to mitigate potential challenges, especially the risk of loss of employees with unique or highly specialized knowledge, skills, or relationships that are critical to functioning and viability of DTC. The following are the key tools described in

Attachment A-2 that DTC would consider leveraging based on the unique circumstances of the recovery and orderly wind-down event or staffing roles, (i) succession planning, (ii) retention agreements, and (iii) cross-training.

Rule 17ad-26(a)(2)(i) (Service Providers for Core Services): Attachment B-1 of the Plan would address the requirements of Rule 17ad-26(a)(2)(i), which requires DTC to identify and describe any service providers for core services ("CSPs"),²⁴ specifying which core services each service provider supports. Specifically, Attachment B-1 would be in the form of a table with the following rows of information, (i) identification of the third-party service provider for core service(s) ("TCSP"), (ii) a description of service performed by the TCSP, and (iii) identification of the relevant DTC core service(s) which the TCSP supports. With respect to the identification and description of DTC's affiliated service providers of core services, this element of Rule 17ad-26 is addressed in the current Plan in the section covering "Intercompany Arrangements."²⁵

Rule 17ad-26(a)(2)(ii) (Ensure Continued Performance of Service Providers for Core Services): Attachment B-2 of the Plan would cover the requirements of Rule 17ad-26(a)(2)(ii),²⁶ which require covered clearing agencies to address how the covered clearing agency would ensure that CSPs would continue to perform in the event of a recovery and during an orderly wind-down, including consideration of its written agreements with such service providers and whether the obligations under those written agreements are subject to alteration or termination as a result of initiation of the recovery and orderly wind-down plan. Specifically, Attachment B-2 would be a summary describing, among other things, that by

²⁴ *Id.* Pursuant to Rule 17ad-26(b) (Definitions), "Service provider for core services" means any person, including an affiliate or a third party, that, through a written agreement for services provided to or on behalf of the covered clearing agency, on an ongoing basis, directly supports the delivery of core services, as identified by the covered clearing agency pursuant to paragraph (a)(1) of this section."

²⁵ Section 2.4 of the Plan (Intercompany Arrangements) describes how each of the DTCC SIFMUs receives the majority of its shared or corporate support services from DTCC through intercompany agreements. It describes that services are provided by DTCC, DTCC Europe Limited, DTCC Enterprise Services India Private Limited, and DTCC Singapore Pte. Ltd. The services generally cover enterprise-wide support, including human resources, finance, information technology, credit and quantitative risk, audit, legal, marketing and other services.

²⁶ *Supra* note 7.

¹⁹ *Supra* note 7.

²⁰ The criteria that is used to identify an DTC service or function as critical includes consideration as to whether (1) there is a lack of alternative providers or products; (2) failure/disruption of Book-Entry Delivery and Settlement Services (Impact on Transaction Processing) would result in clients' inability to settle transactions through book-entry movement of securities held at DTC; (3) failure/disruption of cash payment processing services could materially strain the flow of liquidity in the U.S. financial markets and (4) the service is interconnected with other participants and processes within the U.S. financial system (for example, with other FMI's, settlement banks, broker-dealers, and exchanges).

²¹ The following are DTC's critical services as set forth in Table 3-B: (DTC Critical Services): (1) Equity, Corporate, and Muni Debt Transaction Processing, (2) MMIs and Commercial Paper Processing, (3) Inventory Management, (4) End of Day Net Money Settlement, (5) Underwriting, (6) Deposits Service, (7) Custody Deposits, (8) Custody Withdrawals, (9) Cash and Stock Distributions, (10) Redemptions, (11) Reorganizations, (12) Tax Event Announcements, (13) U.S. Tax Withholding Service, (14) Legal Notice System (LENS), and (15) Proxy Services.

²² *Supra* note 7.

²³ *Id.*

the compliance date of Rule 17ad-26,²⁷ DTC would review the written agreements with TCSPs that govern the services provided to DTC²⁸ and evaluate the terms and conditions covering termination and alteration of performance in the event of initiation of the Plan, and the ability of DTC to provide the services to a Transferee in the event of a wind-down.²⁹ Attachment B-2 would further provide that DTC would endeavor to amend such written agreements, if necessary, to ensure that such TCSPs would continue to perform as required by Rule 17ad-26.

With respect to DTC's affiliated CSPs, each of the relevant written agreements is designated in Table 2-A of the Plan (SIFMU Legal Entity Structure and Intercompany Agreements). In order to confirm DTCC's commitment to continue to provide services to DTC in a recovery and to a Transferee in the event of an orderly wind-down, Attachment B-2 would describe that DTC would work with internal stakeholders to amend the applicable intercompany agreements to include terms and conditions that address a recovery and orderly wind-down scenario similar to those described above covering TCSPs.

Rule 17ad-26(a)(3) (Scenarios): Attachment C of the Plan would address the requirements of Rule 17ad-26(a)(3) which are that DTC identify and describe scenarios that may potentially prevent it from being able to provide its core services as identified in the Plan as a going concern. Specifically, Attachment C identifies three (3) scenarios that include uncovered credit

losses, uncovered liquidity shortfalls and general business losses. For example, there is a multi-Participant default scenario, a scenario involving a significant internal operational incident, and a third-party failure scenario. For each scenario, proposed Attachment C would describe, among other things, (i) the scenario type (e.g., uncovered credit loss, uncovered liquidity loss, general business loss), (ii) the scenario background in terms of the cause of the circumstances, and (iii) the severely adverse market conditions associated with or resulting from the scenario.

Rule 17ad-26(a)(4) (Triggers): This element of the RWP Rule requires that DTC identify and describe the criteria that could trigger DTC's implementation of the Plan and the process that DTC uses to monitor and determine whether the criteria have been met, including DTC's governance arrangements applicable to such process.³⁰ DTC's current Plan already includes the information necessary to satisfy this aspect of Rule 17ad-26. Specifically, the rule proposal would take the existing language in the Plan that describes the criteria for DTC's entry into the Recovery Phase³¹ and implementation of the Recovery Plan and move it into a new separate Section of the Plan, Section 5.3 (The Recovery Plan Trigger).³² In addition, with respect to the trigger for an orderly wind-down of DTC, current Section 8.4.3 (Triggers for Implementing Wind-down) as well as DTC Rule 32(A) (Wind-down of the Corporation), Section 2 (Initiation of the Wind-down Plan) describe the trigger for implementation of the Wind-down Plan and the associated governance process by the Board.³³

Rule 17ad-26(a)(5) and Rule 17ad-26(a)(6) (Rules, Policies, Procedures, and Tools): Attachment D of the Plan would address the requirements of Rule 17ad-26(a)(5) and Rule 17ad-25(a)(6),³⁴ which require covered clearing agencies to (i) identify and describe the rules, policies, procedures and any other tools or resources on which the covered clearing agency would rely in a recovery or orderly wind-down, and (ii) address how such rules, policies, procedures and any other tools or resources would ensure timely implementation of the Plan. Specifically, Attachment D would be in the form of a two-part table that would include the following column headings: (i) "Tools and Resources," (ii) "Relevant Rules, Policies and Procedures," and (iii) "Responsible Body/Personnel" necessary for their governance and implementation. Each row of the table would include this information for each of DTC's loss allocation waterfall tools (Part 1 of the table) and for each of DTC's liquidity resources (Part 2 of the table).³⁵ Because the Plan already includes a table that describes DTC's loss waterfall tools (Table 5-B)³⁶ and a table that describes the DTC liquidity tools (Table 5-C),³⁷ proposed Attachment D would expand upon the information included in Table 5-B and Table 5-C to incorporate the additional information set forth above.

Rule 17ad-26(a)(7) (Notification to the Commission): Attachment E would address the requirements of Rule 17ad-26(a)(7), which requires covered clearing agencies to inform the Commission as soon as practicable when the covered clearing agency is considering implementing a recovery or orderly wind-down.³⁸ Specifically, with respect to notification that DTC is considering implementing a recovery, proposed Attachment E would state that as set forth in Section 5.2.4 of the Plan (Recovery Corridor and Recovery

likely restore DTC to viability as a going concern able to continue to provide its core services to Participants and Pledges in a safe and efficient manner.

³⁴ *Supra* note 7.

³⁵ DTC's liquidity risk management strategy, including the manner in which DTC would deploy liquidity tools as well as its intraday use of liquidity, is described in the Clearing Agency Liquidity Risk Management Framework. *See* Securities Exchange Act Release No. 102756 (Apr. 1, 2025), 90 FR 15019 (Apr. 7, 2025) (SR-DTC-2025-004).

³⁶ *See supra* note 3. The Loss Waterfall tools set out in Table 5-B of the Plan are the "Corporate Contribution" and "Loss Allocation." *See also*, DTC Rule 4, (Participants Fund and Participants Investment).

³⁷ Liquidity tools identified in Table 5-C of the Plan include (i) increase the speed of portfolio asset sales, (ii) Credit Facility, and (iii) Net Credit Reductions.

³⁸ *Supra* note 7.

²⁷ *Id.* The compliance date in which the proposed rule changes must be effective is by December 15, 2025.

²⁸ *See supra* note 6. As set forth in Section 8.4.2 of the Plan (Critical Services and Clearing Agency Link Arrangements), DTC utilizes a shared service model in which services are centralized in DTCC, which provides enterprise-wide shared services, staffing, infrastructure and operational support. As a result, DTC is not typically the party to the written agreements with TCSPs. Rather, these are primarily entered into by DTCC with the TCSP agreeing to provide services to DTCC and/or one or more of its affiliates, including the Clearing Agencies. Therefore, in general, the TCSP does not have a basis to terminate or suspend the performance under the written agreement based on a change in condition in respect of a Clearing Agency, especially when DTCC continues to satisfy its payment obligations for the services.

²⁹ *See supra* note 3. As described in Section 8.1 of the Plan (Introduction and Executive Summary) and in DTC Rule 32(A) (Wind-down of the Corporation), in the event the Board determines that DTC will initiate the wind-down Plan, a "Transferee" means an entity to which the Business of the Corporation is transferred pursuant to the Wind-down Plan, and may include (i) a failover entity established by DTCC, (ii) a then-existing or newly-established third party entity, or (iii) a bridge entity formed to operate the business on an interim basis.

³⁰ *Supra* note 7.

³¹ *Supra* note 4. Pursuant to Section 5.2.4 of the Plan (Recovery Corridor and Recovery Phase), the "Recovery Phase" relates to the actions taken by DTC to restore its financial resources and avoid wind-down.

³² Section 5.3 (The Recovery Trigger) would state that the criteria that would trigger DTC's entry into the Recovery Phase and thus the implementation of the Recovery Plan is the date that it issues the first Loss Allocation Notice of the second loss allocation round with respect to a given Event Period. (As provided in DTC Rule 4, the first Loss Allocation Notice in a second or subsequent round will specify that a second (or subsequent) round has commenced).

³³ *Supra* note 4. Pursuant to Section 8.4.3 of the Plan (Triggers for Implementing Wind-down) and as set forth in DTC Rule 32(A) (Wind-down of the Corporation), Section 2 ("Initiation of the Wind-down Plan"), the trigger for the implementation of the Wind-down Plan is the Board's determination that the application of the tools set forth in the Plan to mitigate the adverse impact of credit losses, liquidity shortfalls, losses from general business risk or any other losses, have not restored DTC to viability as a going concern, able to continue to provide its core services to Participants and Pledges in a safe and efficient manner, or will not

Phase), DTC would monitor, during a “Recovery Corridor,” the early warning indicators that could indicate that DTC may transition into recovery.³⁹ DTC would notify the SEC⁴⁰ at the time a determination is made by the Executive Committee that DTC has entered the Recovery Corridor, which means that either a market event, including a Participant default or a non-default event, may result in uncovered losses, liquidity shortfalls or general business losses following end-of-day settlement. As further described in this section of the Plan, DTC’s entry into the Recovery Corridor indicates that DTC is considering implementing the Recovery Plan. Therefore, the timing of this notification would provide the SEC with advance notice that DTC is considering implementing its Recovery Plan and coincide with DTC’s monitoring of both the adequacy of its resources and the actual and expected timing of resource replenishment.

With respect to notification that DTC is considering implementing an orderly wind-down, as set forth in Section 8.2.2 of the Plan (Wind-down Indicators),⁴¹ proposed Attachment E would state that DTC would expect that a significant inability to replenish the Participants Fund and/or other liquidity resources (principally its Credit Facility) could lead DTC to remain in the Recovery Phase⁴² for an extended period or potentially consider wind-down. If the various options set forth in the Recovery Plan are not deemed feasible or readily available, DTC would enter wind-down following a Runway Period.⁴³ DTC would notify the SEC⁴⁴ at the time a determination is made by the Executive Committee that DTC has entered the Runway Period. The length of the Runway Period would vary based on the severity of the market stress or other event and the ability of DTC to replenish its resources in a timely manner. However, in all scenarios, a Runway Period would occur before DTC would need to implement the Wind-down Plan. Thus, proposed Attachment

E would state that the timing of this notification would provide the SEC with advance notice of the fact that DTC is considering implementing the Wind-down Plan. It would note further that as a result of DTC’s prior notification to the SEC that it is considering implementing the Recovery Plan, the SEC would already be actively engaged with DTC as it proceeds through each stage of the Crisis Continuum, including prior to DTC’s entry into the Runway Period.

Rule 17ad–26(a)(8) (Testing): Attachment F of the Plan would address the requirements of Rule 17ad–26(a)(8)⁴⁵ that procedures for testing the ability of a covered clearing agency to implement the recovery and orderly wind-down plan at least every 12 months be included in the Plan. Specifically, Attachment F would describe DTC’s procedures for testing its ability to implement the Plan at least every 12 months, including describing the requirement that certain DTC Participants participate in the testing based on specified criteria⁴⁶ and, when practicable, other stakeholders.

Rule 17ad–26(a)(9) (Board Approval): Attachment G to the Plan would address the requirements of Rule 17ad–26(a)(9), which is that the plans include procedures requiring review and approval of the plans by the board of directors at least every 12 months or following material changes to the covered clearing agency’s operations that would significantly affect the viability or execution of the plans, with review informed, as appropriate, by the covered clearing agency’s testing of the plans.⁴⁷ Specifically, Attachment G would describe that the R&R Team provides pertinent information and status updates to the Executive Committee and the Board of each SIFMU, including DTC, with regard to changes and enhancements to the R&W Plan. It would state that approval of the Plan is required at least every 12 months or following material changes to DTC’s operations that would significantly affect the viability or execution of the Plan. The review by the board is informed, as appropriate, by the SIFMU’s testing of the Plan as described in Attachment F (Testing) to the Plan. It would further describe that the board reviews the SIFMU R&W plans through

formal and ad hoc board meetings, receiving any necessary interim updates as determined by the Executive Committee. It would identify that the policy and procedures that describe the process for the review and approval of the SIFMU R&W plans by the board are set forth in the following: (i) Office of Recovery and Resolution Planning Procedures and (ii) Office of Recovery and Resolution Planning Policy. In addition, it would provide that the Charter of the board would be amended to include the obligation that the board review and approve the Plan at least every 12 months or following material changes to the DTCC SIFMUs’ operations that would significantly affect the viability or execution of the Plan(s).

B. Proposed Addition of Section 9 (Compliance With Rule 17ad–26)

For purposes of clarity and consolidation of each of the elements required by 17ad–26 in one section of the Plan, DTC is proposing to amend the Plan to add a new Section 9 entitled “Compliance with Rule 17ad–26: Recovery and Orderly Wind-down Plans of Covered Clearing Agencies.” This proposed new Section would set forth a description of each of the attachments that are incorporated into the Plan that address the required elements of Rule 17ad–26.

C. Other Conforming Updates and Technical Revisions

DTC is also proposing to make other conforming updates and technical revisions to the Plan for consistency with Rule 17ad–26. For example, DTC would include the following defined terms included in Rule 17ad–26 for “Recovery,” “Orderly wind-down,” and “Service provider for core services.”⁴⁸ These technical revisions would also, for example, replace the name of the defined term “Critical Services” in the Plan to “Core Services,” to align with the RWP Rule without changing the substantive statements being revised. DTC believes the proposed updates and technical revisions would improve the clarity and accuracy of the Plan and, therefore, would help facilitate the execution of Plan, if necessary.

D. Implementation Date

The proposed rule changes would become effective on the Compliance Date of Rule 17ad–26, December 15, 2025,⁴⁹ subject to Commission approval.

³⁹ *Supra* note 4.

⁴⁰ Attachment E would state that DTC would provide this notification to its regular supervisory contacts at the SEC, either verbally and/or in writing.

⁴¹ *Supra* note 4.

⁴² *Id.* The Recovery Plan describes the recovery phase of the Crisis Continuum, which would begin on the date that DTC issues the first Loss Allocation Notice of the second loss allocation round with respect to a given Event Period. *See supra* note 3. As provided for in Rule 4 (Participants Fund and Participants Investment).

⁴³ *Id.* The Wind-down Plan identifies the time period leading up to a decision to wind-down DTC as the “Runway Period.”

⁴⁴ *Supra* note 40.

⁴⁵ *Supra* note 7.

⁴⁶ Proposed Attachment F would state that the R&R Team would identify the Participant(s) required to participate in the simulation and that considerations for the Participant selection may include, but are not limited to, (i) account structure, (ii) affiliated family structure, (iii) business model, (iv) operational details, and (v) Participant size in terms of trading and settlement activity.

⁴⁷ *Supra* note 7.

⁴⁸ *Supra* note 7, 17ad–26(b) (Definitions).

⁴⁹ *Id.*

2. Statutory Basis

DTC believes that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, DTC believes that the amendments to the R&W Plan are consistent with Section 17A(b)(3)(F) of the Act,⁵⁰ Rule 17ad-22(e)(3)(ii) under the Act,⁵¹ and Rule 17ad-26 under the Act,⁵² for the reasons described below.

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of DTC be designed to promote the prompt and accurate clearance and settlement of securities transactions. As described above, the proposed rule change would update the R&W Plan to address the requirements of Rule 17ad-26 and make certain technical revisions. By helping to ensure that the R&W Plan reflects the information required by 17ad-26, and providing additional clarity through the technical revisions, DTC believes that the proposed rule change would help it continue to maintain the Plan in a manner that supports the continuity of DTC's core services and enable Participants and Pledges to maintain access to DTC's core services through the transfer of its membership in the event DTC defaults or the Wind-down Plan is ever triggered by the Board. For example, by incorporating the staffing roles necessary to support DTC's core services and the tools that DTC could invoke to retain staff in the event of a recovery and during an orderly wind-down, the proposed rule change would assist DTC in ensuring necessary staff is maintained to support access to and continuity of DTC's core services. Similarly, the proposed rule change would identify the service providers supporting DTC's core services and how DTC would endeavor to ensure that such service providers for core services would continue to perform in the event of a recovery and during an orderly wind-down. This would assist DTC in ensuring necessary core service providers continue to perform under their contractual arrangements and thus, supporting access to and continuity of DTC's core services. By facilitating the continuity of its core clearance and settlement services, DTC believes the Plan and the proposed rule change would continue to promote the prompt and accurate clearance and settlement of securities transactions. Therefore, DTC

believes the proposed amendments to the R&W Plan are consistent with the requirements of Section 17A(b)(3)(F) of the Act.

Rule 17ad-22(e)(3)(ii) under the Act requires DTC to establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency, which includes plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses.⁵³

Specifically, the Recovery Plan defines the risk management activities, stress conditions and indicators, and tools that DTC may use to address stress scenarios that could eventually prevent it from being able to provide its core services as a going concern. Through the framework of the Crisis Continuum, the Recovery Plan addresses measures that DTC may take to address risks of credit losses and liquidity shortfalls, and other losses that could arise from a Participant default. The Recovery Plan also addresses the management of general business risks and other non-default risks that could lead to losses. The Wind-down Plan would be triggered by a determination by the Board that recovery efforts have not been, or are unlikely to be, successful in returning DTC to viability as a going concern. Once triggered, the Wind-down Plan sets forth clear mechanisms for the transfer of DTC's membership and business and is designed to facilitate continued access to DTC's core services and to minimize market impact of the transfer. By establishing the framework and strategy for the execution of the transfer and orderly wind-down of DTC in order to facilitate continuous access to its critical services, the Wind-down Plan establishes a plan for the orderly wind-down of DTC.

As described above, the proposed rule change would update the R&W Plan to reflect information regarding the (i) staffing roles necessary to support DTC's core services and the tools that DTC could invoke to retain staff in the event of a recovery and during an orderly wind-down, (ii) service providers of core services supporting DTC's core services and how DTC would endeavor to ensure that such service providers for core services would continue to perform in the event of a recovery and during an

orderly wind-down, (iii) scenarios that may potentially prevent DTC from being able to provide its core services as a going concern, (iv) criteria that could trigger DTC's implementation of the Plan, (v) rules, policies, procedures, tools and resources on which DTC would rely during a recovery or orderly wind-down and how these would ensure timely implementation of the Plan, (vi) DTC's process for notification to the Commission as soon as practicable when DTC is considering implementing a recovery or orderly wind-down, (vii) testing of DTC's ability to invoke the Plan, and (viii) review and approval of the Plans by DTC's Board of Directors. The proposed rule change would also make certain technical corrections to align with the RWP Rule. By including the above detailed information in the Plan and ensuring that material provisions of the Plan are current, clear, and technically correct, DTC believes that the proposed amendments are designed to support the maintenance of the Plan for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses, and, as such, meets the requirements of Rule 17ad-22(e)(3)(ii) under the Act.⁵⁴ Therefore, the proposed changes would help DTC to maintain the Plan in a way that continues to be consistent with the requirements of Rule 17ad-22(e)(3)(ii).

Rule 17ad-26 requires the plans for recovery and orderly wind-down of covered clearing agencies, such as DTC, to identify and address certain information that is pertinent to the Plan.⁵⁵ The proposed rule change would add the various elements required by Rule 17ad-26 noted in the previous paragraph and described more fully above. By adding the various required elements, the Plan would contain the necessary information that would facilitate its implementation if it ever needed to be invoked. Therefore, the proposed rule changes would help DTC maintain the Plan in a way that is consistent with Rule 17ad-26.

(B) Clearing Agency's Statement on Burden on Competition

DTC does not believe that the proposed rule change would have any impact, or impose any burden, on competition. DTC does not anticipate that the proposal would affect its day-to-day operations under normal circumstances, or the management of a typical Participant default scenario or

⁵⁰ 15 U.S.C. 78q-1(b)(3)(F).

⁵¹ 17 CFR 240.17ad-22(e)(3)(ii).

⁵² *Id.* DTC is a "covered clearing agency" as defined in Rule 17ad-22(a)(5) under the Act and must comply with paragraph (e) of Rule 17ad-22. In 2012, DTC was designated a SIFMU.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Supra* note 7.

non-default event. The R&W Plan was developed and documented in order to satisfy applicable regulatory requirements, as discussed above. The proposal is intended to enhance and update the Plan to ensure it is clear and remains current in accordance with applicable rules in the event it is ever necessary to be implemented. The proposed revisions would not affect any changes to the overall structure or operation of the Plan or DTC's recovery and wind-down strategy as set forth under the current Plan. As such, DTC believes the proposal would not have any impact, or impose any burden, on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not received or solicited any written comments relating to this proposal. If any written comments are received, DTC will amend this filing to publicly file such comments as an Exhibit 2 to this filing, as required by Form 19b-4 and the General Instructions thereto.

Persons submitting written comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b-4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on How to Submit Comments, available at www.sec.gov/regulatory-actions/how-to-submit-comments. General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at tradingandmarkets@sec.gov or 202-551-5777.

DTC reserves the right to not respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-DTC-2025-007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR-DTC-2025-007. 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 DTC and on DTCC's website (<https://dtcc.com/legal/sec-rule-filings.aspx>). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-DTC-2025-007 and

should be submitted on or before May 19, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-07220 Filed 4-25-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102900; File No. SR-NYSENAT-2025-07]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing of a Proposed Rule Change To Amend the Virtual Control Circuit Service in the Connectivity Fee Schedule

April 22, 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 7, 2025, NYSE National, Inc. ("NYSE National" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the virtual control circuit service in the Connectivity Fee Schedule ("Fee Schedule") to include connectivity to the New York Stock Exchange LLC, NYSE American LLC, and NYSE Arca, Inc. trading floors. The proposed 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

⁵⁶ 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 places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the virtual control circuit ("VCC") service in the Fee Schedule to include connectivity to the New York Stock Exchange LLC ("NYSE"), NYSE American LLC, ("NYSE American") and NYSE Arca, Inc. ("NYSE Arca") trading floors ("Trading Floors").⁴

Currently, the Fee Schedule includes VCC services, which may be between two Users⁵ in the Mahwah, New Jersey data center ("MDC"),⁶ a User inside the MDC and another party outside of the MDC at a remote access center, or a User inside the MDC and the same User outside of the MDC at a remote access center.⁷

The Exchange proposes to amend the Fee Schedule to include connections between the MDC and a Trading Floor, which may be between a User and itself on the Trading Floor or between the User and a third party on the Trading Floor. More specifically, a User may have a unicast connection through which it can establish a connection between the MDC and a Trading Floor over dedicated bandwidth ("TF

Connections").⁸ Such a TF Connection can be in the form of a VCC between the MDC and a single Trading Floor ("TF VCC"), or a virtual routing and forwarding service between the MDC and one or more Trading Floors ("TF VRF"). No matter what the form of the TF Connection, it runs between the MDC and the User's or third party's equipment physically located on a Trading Floor.

TF VCC and TF VRF connections are both TF Connections even though TF VCCs may connect to one Trading Floor and TF VRFs may connect to one or more Trading Floors, because although they are different in terms of their technical setup, they both utilize the same IGN network and thus are substantially the same in latency and reliability. A User would choose between them based on the factors that it wished, including technical preference and consistency. For example, if a User was setting up a link between the MDC and two Trading Floors, it may prefer a TF VRF, but if it had VCCs elsewhere in its setup, it may have a technological preference for a TF VCC.

The User may use its TF Connection, for example, for receiving and transmitting trading-related data, including pre- and post-trade data and clearing information. Such a use would include an options Market Maker⁹ on the NYSE American or NYSE Arca options trading floor using a computer that has their firm's theoretical values and options market data, which they then use to provide verbal bid/offers in response to floor broker requests for quotes. A User also may use its TF Connection for providing services to individuals physically located on the trading floor, including access to back-office systems, such as by using it to communicate with counterparts that are off the Trading Floor by email or chat. The User determines how its TF Connection is used: neither FIDS nor the Exchange has any visibility into a TF Connection.

For the avoidance of doubt, all NYSE, NYSE American and NYSE Arca equities and options members and

member organizations,¹⁰ including without limitation NYSE floor brokers and Designated Market Makers, and floor brokers, options market makers, and specialists on the NYSE American and NYSE Arca trading floors, remain subject to NYSE, NYSE American and NYSE Arca rules regarding activities on the relevant Trading Floor. The proposed connections from the MDC to a Trading Floor do not contravene or limit such rules or the ability of the NYSE, NYSE American or NYSE Arca to surveil for compliance with such rules, including without limitation NYSE Rules 36 (Communications Between Exchange and Members Offices), 98 (Operation of a DMM Unit), and 104 (Dealings and Responsibilities of DMMs). All NYSE, NYSE American or NYSE Arca rules would continue to apply, including any rules regarding limitations on the use of electronic communications from or to the Trading Floor.

All TF Connections must be authorized by both parties to the connection before FIDS will establish a connection. Establishing a User's TF Connection will not give FIDS or the Exchange any right to use the relevant exchange's system. A TF Connection will not provide direct access or order entry to the Exchange's execution system, and a User's TF Connection will not be through the Exchange's execution system.

No change to the existing fee is proposed. As with the existing VCC service, when a User requests a TF Connection, it would identify the size of bandwidth connection it required, and the monthly charge for the TF Connection would be based on the size of the bandwidth requested.

While the proposed fees for the TF VCC and TF VRF are identical, the amount of the monthly fee may differ based on whether the form chosen by the User is a TF VCC or TF VRF. This is because the TF VCC connects the MDC to one Trading Floor, while the TF VRF may connect the MDC to more than one Trading Floor. Accordingly, the Exchange proposes to add a note to the Fee Schedule to clarify the difference between the two.

To make the change, the Exchange proposes to amend the Fee Schedule as follows (new text italicized):

⁴ "Trading Floor" is used as defined in, as applicable, NYSE Rule 6A (Trading Floor), NYSE American Scope of Terms (17), and NYSE Arca Rule 1 (Definitions), Floor, Trading Floor and Options Trading Floor. NYSE National and NYSE Texas, Inc. do not have trading floors.

⁵ For purposes of the Exchange's colocation services, a "User" means any market participant that requests to receive colocation services directly from the Exchange. See Securities Exchange Act Release No. 83351 (May 31, 2018), 83 FR 26314 at n.9 (June 6, 2018) (SR-NYSE-2018-07). As specified in the Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by the NYSE, NYSE American, NYSE Arca, and NYSE Texas, Inc. (together, the "Affiliate SROs"). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein. See SR-NYSE-2025-12, SR-NYSEAMER-2025-21, SR-NYSEARCA-2025-29, and SR-NYSETEX-2025-03.

⁶ Through its Fixed Income and Data Services ("FIDS") business, Intercontinental Exchange, Inc. ("ICE") operates the MDC. The Exchange and the Affiliate SROs are indirect subsidiaries of ICE.

⁷ See Securities Exchange Act Release No. 101578 (November 12, 2024), 89 FR 90794 (November 18, 2024) (SR-NYSE-2022-28).

⁸ Information flows over existing network connections in two formats: "unicast" format, which is a format that allows one-to-one communication, similar to a phone line, in which information is sent to and from the Exchange; and "multicast" format, which is a format in which information is sent one-way from the Exchange to multiple recipients at once, like a radio broadcast.

⁹ See, as applicable, NYSE American Rule 920NY (Market Makers) and NYSE Arca Rule 6.32-O (Market Maker Defined).

¹⁰ See NYSE Rule 2(b) ("Member," "Membership," "Member Firm," etc.); NYSE Rule 1.1(e) (Definitions); NYSE American Rule 2(b)(i)—Equities ("Member," "Membership," "Member Firm," etc.); NYSE American Rule 900.2NY(5) (Definitions).

Type of service	Description (Mb)	Amount of charge (monthly charge)
Virtual Routing and Forwarding service to Trading Floor or Virtual Control Circuit *	1	\$200
	3	400
	5	500
	10	800
	25	1,200
	50	1,800
	100	2,500

*A virtual control circuit ("VCC") is between the Mahwah data center and a single end point, including a Trading Floor, while a virtual routing and forwarding service ("VRF") can be between the Mahwah data center and one or more Trading Floors. If the User chooses VCCs or a combination of a VCC and a VRF for connectivity to several Trading Floors, it will be charged separately for each connection. If the User chooses one VRF for connectivity to multiple trading floors, the User will be charged for one connection.

General

The proposed rule change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally. As is currently the case, the Fee Schedule would be applied uniformly to all Users. FIDS does not expect that the proposed rule change will result in new Users.

Use of the services proposed in this filing are completely voluntary and available to all Users on a non-discriminatory basis.

The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that customers would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹² in particular, because 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 and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,¹³ because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and

does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable.

In considering the reasonableness of proposed services and fees, the Commission's market-based test considers "whether the exchange was subject to significant competitive forces in setting the terms of its proposal . . . , including the level of any fees."¹⁴ If the Exchange meets that burden, "the Commission will find that its proposal is consistent with the Act unless 'there is a substantial countervailing basis to find that the terms' of the proposal violate the Act or the rules thereunder."¹⁵ Here, the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because substantially similar substitutes are available, and the third-party vendors are not at a competitive disadvantage created by the Exchange.

In 2013 the MDC opened two meet-me-rooms to telecommunications service providers ("Telecoms"),¹⁶ to enable Telecoms to offer circuits into the MDC. The TF Connections compete with circuits currently offered by the 16 third-party Telecoms that have installed

their equipment in the MDC's two meet-me-rooms.

The Telecom circuits (including any circuit-based network services a Telecom may offer) are reasonable substitutes for TF Connections. The Commission has recognized that products do not need to be identical to be considered substitutable; it is sufficient that they be substantially similar.¹⁷

Telecoms can provide Users with connections to the Trading Floors. Specifically, Telecoms can connect to a Trading Floor entity's equipment in the same building as the Trading Floor. That connection would then extend to the Trading Floor through the relevant exchange's network and infrastructure. The path the traffic takes from the MDC to the Trading Floor, to the extent that FIDS controls it, is similar irrespective of whether the service is provided by a Telecom or FIDS. Those pathways are not normalized within an exchange building, but they do not need to be, and the Exchange believes that Users have no expectation that they would be. As described above, these connections are not used for latency-sensitive trading data, but rather for trading-related data or more conventional communications such as email or chat with the User's back office. While Users expect such connections to be reliable and work at a reasonable speed, the Exchange believes that they have no expectation that these connections would be latency sensitive, as they would when transmitting trading data from co-location to the matching engine within the MDC. In other words, the circuits provided by the Telecoms directly compete with the TF Connections.

The providers of the TF Connection and Telecom circuits design them to perform with particular combinations of equipment, latency, bandwidth, price, termination point, and other factors that

¹⁴ Securities Exchange Act Release No. 90209 (October 15, 2020), 85 FR 67044, 67049 (October 21, 2020) (Order Granting Accelerated Approval to Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Wireless Market Data Connections) (SR-NYSE-2020-05, SR-NYSEAMER-2020-05, SR-NYSEArca-2020-08, SR-NYSECHX-2020-02, SR-NYSEAT-2020-03, SR-NYSE-2020-11, SR-NYSEAMER-2020-10, SR-NYSEArca-2020-15, SR-NYSECHX-2020-05, SR-NYSEAT-2020-08) ("Wireless Approval Order"), citing Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74781 (December 9, 2008) ("2008 ArcaBook Approval Order"). See *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010).

¹⁵ Wireless Approval Order, *supra* note 15, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 15, at 74781.

¹⁶ Telecoms are licensed by the Federal Communications Commission and are not required to be, or be affiliated with, a member of the Exchange or an Affiliate SRO.

¹⁷ See 2008 ArcaBook Approval Order, *supra* note 15, at 74789 and note 295 (recognizing that products need not be identical to be substitutable).

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

¹³ 15 U.S.C. 78f(b)(4).

they believe will attract Users, and Users choose from among these competing services on the basis of their business needs.

The TF Connections are sufficiently similar substitutes to the circuits offered by the 16 Telecoms. While neither the Exchange nor FIDS knows the end point of any particular Telecom circuit, the Exchange understands that the Telecoms can offer circuits terminating in any location, including the Trading Floors.¹⁸ Moreover, the Telecoms may offer smaller circuits that are the same as or similar size to the TF Connections. Ultimately, Users can choose to configure their pathway in the way that best suits their business needs.

The TF Connections do not have a distance or latency advantage over the Telecoms' circuits within the MDC. FIDS has normalized (a) the distance between the meet-me-rooms and the colocation halls and (b) the distance between the rooms where the FIDS circuits and the TF Connections exit the MDC and the colocation halls. As a result, a User choosing whether to use the TF Connections or Telecom circuits does not face any difference in the distances or latency within the MDC. The Exchange is not aware of any differences under its control that give the Exchange a latency advantage.

The Exchange also believes that the TF Connections do not have any bandwidth advantage or substantial distance advantage over the Telecoms' circuits within the buildings of the Trading Floors. The Exchange believes that the Telecoms offer circuits with a variety of latency and bandwidth specifications, some of which may exceed the specifications of the TF Connections.¹⁹ The Exchange believes that Users consider these latency and bandwidth factors—as well as other factors, such as equipment, price and termination point—in determining which offerings will best serve their business needs.

In sum, the Exchange is not aware of anything that would make the Telecoms' circuits inadequate substitutes for the TF Connections.

Nor does the Exchange have a competitive advantage over any third-

party competitors by virtue of the fact that it owns and operates the MDC's meet-me-rooms. In most cases, circuits coming out of the MDC are provided by the Telecoms.²⁰ Currently, 16 Telecoms operate in the meet-me-rooms and provide a variety of circuit choices. It is in the Exchange's best interest to set the fees that Telecoms pay to operate in the meet-me-rooms at a reasonable level²¹ so that market participants, including Telecoms, will maximize their use of the MDC. By setting the meet-me-room fees at a reasonable level, the Exchange encourages Telecoms to participate in the meet-me-rooms and to sell circuits to Users for connecting into and out of the MDC. These Telecoms then compete with each other by pricing such circuits at competitive rates. These competitive rates for circuits help draw in more Users and Hosted Customers to the MDC, which directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to many third-party data feeds, and because having more Users and Hosted Customers leads, in many cases, to greater participation on the Exchange. In this way, by setting the meet-me-room fees at a level attractive to telecommunications firms, the Exchange spurs demand for all of the services it sells at the MDC, while setting the meet-me-room fees too high would negatively affect the Exchange's ability to sell its services at the MDC.²² Accordingly, there are real constraints on the meet-me-room fees the Exchange charges, such that the Exchange does not have an advantage in terms of costs when compared to third parties that enter the MDC through the meet-me-rooms to provide services to compete with the Exchange's services.

If anything, the Exchange would be subject to a competitive disadvantage vis-à-vis the Telecoms. They are not subject to the Commission's filing requirements, and therefore can freely change their services and pricing in response to competitive forces. In contrast, the Exchange's service and pricing would be standardized as set out in this filing, and the Exchange would be unable to respond to pricing pressure

from its competitors without seeking a formal fee change in a filing before the Commission.

The Exchange does not propose to change the existing prices. If they were at a level that Users found to be too high, Users would likely respond by choosing one of the many alternative options offered by the 16 Telecoms. Conversely, if the prices were aimed at undercutting comparable Telecom circuits, the Telecoms might reassess whether it makes financial sense for them to continue to participate in the MDC's meet-me-rooms. Their departure might negatively impact User participation in colocation and on the Exchange. As a result, the Exchange is not motivated to undercut the prices of Telecom circuits.

In sum, because the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because the Exchange believes that a substantially similar substitute for TF Connectivity is available, and the Exchange has not placed third-party vendors at a competitive disadvantage created by the Exchange, the proposed fees for the TF Connectivity are reasonable.²³

For these reasons, the proposed change is reasonable.

The Proposed Change Is Equitable

The Exchange believes that the proposed change provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because it is not designed to permit unfair discrimination between market participants. Rather, it would apply to all market participants equally.

In addition, the Exchange believes that the proposal is equitable because only Users that voluntarily select to receive TF Connectivity would be charged for it. The proposed TF Connectivity is available to all Users on an equal basis, and all Users that voluntarily choose to purchase TF Connectivity would be charged the same amount for that circuit as all other market participants purchasing that type of TF Connectivity or a VCC.

The Exchange believes that it is equitable that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN

¹⁸ Specifically, any Telecom can connect to a Trading Floor's equipment in the same building as the Trading Floor. That connection would then extend to the Trading Floor through the relevant exchange's network and infrastructure.

¹⁹ The specifications of FIDS's competitors' circuits are not publicly known. The Exchange understands that FIDS has gleaned any information it has about its competitors through anecdotal communications, by observing customers' purchasing choices in the competitive market, and from its own experience as a purchaser of circuits from telecommunications providers to build FIDS's own networks.

²⁰ Note that in the case of wireless connectivity, a User still requires a fiber circuit to transport data. If a Telecom is used, the data is transmitted wirelessly to the relevant pole, and then from the pole to the meet-me-room using a fiber circuit.

²¹ See Securities Exchange Act Release No. 98002 (July 26, 2023), 88 FR 50232 (August 1, 2023) (SR-NYSENat-2023-12).

²² See *id.* at 50235. Importantly, the Exchange is prevented from making any alteration to its meet-me-room services or fees without filing a proposal for such changes with the Commission.

²³ See Wireless Approval Order, *supra* note 15.

network, and therefore substantially the same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option that they prefer and would work best for their specific needs. The Exchange proposes to add a note to the Fee Schedule to clarify the difference, thereby making it easier for potential purchasers of the service to assess what connectivity will best serve them.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory. The proposed change does not apply differently to distinct types or sizes of market participants. Rather, it applies to all market participants equally. The purchase of any proposed service is completely voluntary and the Fee Schedule will be applied uniformly to all market participants.

In addition, the Exchange believes that the proposal is not unfairly discriminatory because only Users that voluntarily select to receive TF Connectivity would be charged for it. TF Connectivity is available to all market participants on an equal basis, and all Users that voluntarily choose to purchase TF Connectivity are charged the same amount as all other market participants purchasing that type of TF Connectivity or a VCC.

The Exchange believes that it is not unfairly discriminatory that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN network, and therefore substantially the same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option they prefer and that would work best for their specific needs. The Exchange proposes to add a note to the Fee Schedule to clarify the difference, thereby making it easier for potential purchasers of the service to assess what connectivity will best serve them.

For the reasons above, the proposed change does not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees,

requirements, terms, and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.²⁴

The proposed change would not impose a burden on competition among national securities exchanges or among members of the Exchange.

The proposed change would enhance competition in the market for circuits transmitting data into and out of colocation at the MDC to the Trading Floors, by adding TF Connectivity to the existing VCC service, in addition to the 16 Telecoms that also sell circuits to Users. As noted above, TF Connectivity does not have any bandwidth, or other advantage over the Telecoms' circuits.²⁵ The proposal would not burden competition in the sale of such circuits, but rather, enhance it by providing Users with an additional choice for their circuit needs.

The Exchange believes that it would not be a burden on competition that it offers two types of TF Connectivity: TF VCCs that may connect to one Trading Floor, and TF VRFs that may connect to one or more Trading Floors. Although they would differ in terms of their technical setup, a TF VCC and TF VRF would be on the same IGN network, and therefore substantially the same in latency and reliability. A User's choice between them may be based on a variety of factors, including technical preference and consistency. By offering these varied technological options, FIDS provides potential Users more choices from which to choose the option they prefer and that would work best for their specific needs. The Exchange proposes to add a note to the Fee Schedule to clarify the difference,

²⁴ 15 U.S.C. 78f(b)(8).

²⁵ The Exchange is not aware of any current latency advantage. As noted above, the pathways offered by TF Connectivity and the Telecoms are not normalized within an exchange building, but they do not need to be, and the Exchange believes that Users have no expectation that they would be. These connections are not used for latency-sensitive trading data, but rather for trading-related data or more conventional communications such as email or chat with the User's back office. While Users expect such connections to be reliable and work at a reasonable speed, the Exchange believes that they have no expectation that these connections would be latency sensitive, as they would when transmitting trading data from co-location to the matching engine within the MDC.

thereby making it easier for potential purchasers of the service to assess what connectivity will best serve them.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSENAT-2025-07 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-NYSENAT-2025-07. 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-NYSENAT-2025-07 and should be submitted on or before May 19, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-07214 Filed 4-25-25; 8:45 am]

BILLING CODE 8011-01-P

SELECTIVE SERVICE SYSTEM

Privacy Act; System of Records

AGENCY: Selective Service System.

ACTION: Notice; Electronic Content Management (ECM) System of Records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Selective Service System (SSS) is issuing a public notice of its intent to create a Privacy Act System of Records titled, "Enterprise Content Management System". This System of Records notice (SORN) describes the platform that will manage the document workflow and processing automation of the SSS. The focus of the system is to enable document capture, OCR (where applicable), access, visibility and routing for status & completion, document archiving and destruction, and retrieval based upon the document type and workflow required. These data services include data file storage and processing as well as input from a variety of electronic and paper sources. The ECM includes hardware, software applications, data, communications, and personnel. This newly established system will be included in the SSS inventory of record systems.

DATES: Please submit comments on or before 30 days after the date of

publication in the **Federal Register**.

This new system is effective upon publication in today's **Federal Register**, with the exception of the routine uses, which are effective 30 days after date of publication in the **Federal Register**.

ADDRESSES: Written comments and recommendations should be sent to Jeff.Steinlage@sss.gov or to the Selective Service System, Mr. Jeffrey Steinlage, Acting Chief Information Officer, 1501 Wilson Boulevard, Arlington, Virginia 22209-2425. A copy of the comments should be sent to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Selective Service System, Office of Management and Budget, New Executive Office Building, Room 3235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey Steinlage, Acting Chief Information Officer, Office of Information Technology, Selective Service System, 571-867-8044, 1501 Wilson Boulevard, Arlington, Virginia 22209-2425.

SUPPLEMENTARY INFORMATION: ECM supports one of the main essential functions of SSS by registering and maintaining a database of males between the ages of 18 and 25 who are citizens or residents of the United States. Additionally, the system supports the essential business function of Selective Service, when directed by Congress and the President, to respond to a DoD request for inductees within 193 days. A report on this new system has been sent to OMB, the Chairman, Committee on Government Reform and Oversight, U.S. House of Representatives; and Chairman, Committee on Homeland Security and Governmental Affairs, United States Senate as required by the Privacy Act. If changes are made based on the SSS review of comments received, the SSS will publish a subsequent notice.

This system of records is maintained by the SSS and contains personal information about individuals from which information is retrieved by an individual's name or identifier. The notice for this System of Records states the name and location of the record system, the authority for and manner of its operation, the categories of individuals that it covers, the types of records that it contains, the sources of information in those records, and the routine uses. This notice also includes the business address of the SSS official who will inform interested persons of the procedures whereby they may gain access to and request amendment of records pertaining to them. The Privacy Act provides certain safeguards for an

individual against an invasion of personal privacy by requiring Federal agencies to protect records contained in an agency System of Records from unauthorized disclosure and to ensure that information is current and accurate for its intended use and that adequate safeguards are provided to prevent misuse of such information. "Section 3 of the Military Selective Service Act, as amended [50 U.S.C. 3802], provides that male citizens of the United States and other male persons residing in the United States who are between the ages of 18 and 26, except those exempted by Sections 3 and 6(a) of the Military Selective Service Act, must present themselves for registration at such time or times and place or places, in such manner as determined by the President."—Proclamation 4771 as amended by Proclamation 7275.

Authority: 50 U.S.C. 3801 *et seq.* [Military Selective Service Act (MSSA)]

SYSTEM NUMBER:

SSS-50.

SYSTEM NAME:

Enterprise Content Management System (ECM).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Selective Service System, Data Management Center, 2834 Green Bay Rd., Building 3400, Great Lakes, Illinois 60088.

SYSTEM MANAGER(S) AND ADDRESS:

Mr. Matthew Adams, Data Management Center (DMC-A), Selective Service System, P.O. Box 94638, Palatine, IL 60094-4638.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C. 3801 *et seq.* [Military Selective Service Act (MSSA)]

PURPOSE(S) OF THE SYSTEM:

ECM is to enable document capture, OCR (where applicable), access, visibility and routing for status & completion, document archiving and destruction, and retrieval based upon the document type and workflow required. These data services include data file storage and processing as well as input from a variety of electronic and paper sources.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system collects any correspondence from any person sent to the Selective Service System by mail to the designated PO boxes, emails to designated email addresses, and/or by

²⁶ 17 CFR 200.30-3(a)(12).

filling out a set of web-enabled forms published on *sss.gov* website.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system will collect the following types of documents:

Paper-based correspondence (scanned into the system):

Registration Form SSS Form 1

Status Information Letter (SIL)

Change of Name of Address SSS Form

2

Compliance Letter (Form 3C)

General Correspondence

Legacy Scanned Documents

Electronic Correspondence:

Online SSS-Form 1

Online SSS-Form 2

Online SSS-SIL

Online SS-Form 3C

Internal Data Entry Form (AQ Form)

Email

RECORD SOURCE CATEGORIES:

Mail

Email

Legacy Scanned documents

Website

AQ internal form (based on phone conversation)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system will be routinely used by the authorized personnel to scan documents, perform data entry of the metadata, validate and update metadata when needed, and search and retrieve records based on the operational needs. The public users will interface with the system by utilizing the data entry forms published on the *sss.gov* website. Thus, the categories of users are:

System Administrators—administer and maintain the system and users' access controls

Regular users—perform normal functions within the system such as data entry, data corrections, processing the items in designated workflows, etc.

Managers—have ability of oversee actions of the assigned employees

Public users—enter information through online forms at *sss.gov*

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

All records in this System of Records are maintained and in compliance with applicable executive orders, statutes, and agency implementing recommendations. Electronic records are stored in databases and application servers. SSS has ITSP-64 for Media Protection which establishes a uniform process for protecting and storing PII and media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

SSS is utilizing a Full-Text Search function, for internal users only, of the ECM system that provides a simple, unified interface for retrieving stored textual information retrieved from the documents. Advanced searches can be performed based on keywords and phrases that exist within documents to locate relevant content. The following are the common search criteria:

Selective Service Number (SSN)

Social Security Number (SSAN)

Compliance PIN

Document Handling Number

Name (Last, First, or combination)

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Currently, there is no policy established to retain the records for a set period of time. This SORN will be updated once the policy is established.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Computerized records systems follow the National Institute of Standards and Technology privacy and security standards as developed to comply with the Privacy Act of 1974, as amended, 5 U.S.C. 552a; Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*; Federal Information Security Modernization Act of 2014, 44 U.S.C. 3551 *et seq.*; and the Federal Information Processing Standards 199: Standards for Security Categorization of Federal Information and Information Systems. Security controls include user identification, multi-factor authentication, database permissions, encryption, firewalls, audit logs, network system security monitoring, and software controls; ITSP-17 Physical and Environmental Protection Policy and Procedures.

RECORD ACCESS PROCEDURES:

Same as "Notification procedures."

Contesting Record Procedures:

Same as "Notification procedures."

NOTIFICATION PROCEDURES:

The public should follow the process described in the Code Of Federal Regulations (CFR), Title 32 Subtitle B Chapter XVI Part 1665 "PRIVACY ACT PROCEDURES" at <https://www.ecfr.gov/current/title-32/subtitle-B/chapter-XVI/part-1665> For the general inquiries, public can contact the agency at numbers published under <https://www.sss.gov/contact/>, or call 847-688-6888 or toll-free: 888-655-1825.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Daniel A. Lauretano,

General Counsel & Federal Register Liaison.

[FR Doc. 2025-07223 Filed 4-25-25; 8:45 am]

BILLING CODE 8015-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21056; IDAHO Disaster Number ID-20014 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Idaho

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Idaho dated April 21, 2025.

Incident: Highway 95 Landslide and Closure.

DATES: Issued on April 21, 2025.

Incident Period: March 16, 2025 and continuing.

Economic Injury (EIDL) Loan

Application Deadline Date: January 21, 2026.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Adams, Gem, Valley.

Contiguous Counties:

IDAHO: Ada, Boise, Canyon, Custer, Idaho, Lemhi, Payette, Washington.

OREGON: Baker, Wallowa.

The Interest Rates are:

	Percent
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for economic injury is 210560.

The States which received an EIDL Declaration are IDAHO, OREGON.

(Catalog of Federal Domestic Assistance Number 59008)

James Stallings,

Associate Administrator, Office of Disaster Recovery and Resilience.

[FR Doc. 2025-07262 Filed 4-25-25; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21052 and #21053; TEXAS Disaster Number TX-20049]

Administrative Declaration of a Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Texas dated April 21, 2025.

Incident: Thunderstorms, Straight-line Winds, and Tornadoes.

DATES: Issued on April 21, 2025.

Incident Period: April 4, 2025.

Physical Loan Application Deadline Date: June 20, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: January 21, 2026.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Morris.

Contiguous Counties:

Texas: Bowie, Camp, Cass, Marion, Red River, Titus, Upshur.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	5.500
Homeowners without Credit Available Elsewhere	2.750
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.625
Non-Profit Organizations without Credit Available Elsewhere	3.625
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21052C and for economic injury is 210530.

The States which received an EIDL Declaration are Texas.

(Catalog of Federal Domestic Assistance Number 59008)

James Stallings,

Associate Administrator, Office of Disaster Recovery and Resilience.

[FR Doc. 2025-07253 Filed 4-25-25; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20977 and #20978; KENTUCKY Disaster Number KY-20013]

Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Kentucky

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA-4860-DR), dated February 24, 2025.

Incident: Severe Storms, Straight-line Winds, Flooding, Landslides, and Mudslides.

DATES: Issued on April 21, 2025.

Incident Period: February 14, 2025, through March 7, 2025.

Physical Loan Application Deadline Date: May 25, 2025.

Economic Injury (EIDL) Loan

Application Deadline Date: November 24, 2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT:

Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the Commonwealth of Kentucky, dated February 24, 2025, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to May 25, 2025.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2025-07197 Filed 4-25-25; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21057 and #21058; INDIANA Disaster Number IN-20009]

Administrative Declaration of a Disaster for the State of Indiana

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Indiana dated April 22, 2025.

Incident: Severe Storms and Tornadoes.

DATES: Issued on April 22, 2025.

Incident Period: March 19, 2025.

Physical Loan Application Deadline Date: June 23, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: January 22, 2026.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT:

Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration,

applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Bartholomew, Lake.
Contiguous Counties:

Illinois: Cook, Kankakee, Will.
Indiana: Brown, Decatur, Jackson, Jasper, Jennings, Johnson, Newton, Porter, Shelby

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	5.500
Homeowners without Credit Available Elsewhere	2.750
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.625
Non-Profit Organizations without Credit Available Elsewhere	3.625
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21057C and for economic injury is 210580.

The States which received an EIDL Declaration are Illinois, Indiana.

(Catalog of Federal Domestic Assistance Number 59008)

James Stallings,

Associate Administrator, Office of Disaster Recovery and Resilience.

[FR Doc. 2025-07251 Filed 4-25-25; 8:45 am]

BILLING CODE 8026-09-P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 670 (Sub-No. 1)]

Notice of Rail Energy Transportation Advisory Committee Meeting

AGENCY: Surface Transportation Board.

ACTION: Notice of Rail Energy Transportation Advisory Committee meeting.

SUMMARY: Notice is hereby given of a meeting of the Rail Energy Transportation Advisory Committee (RETAC), pursuant to the Federal Advisory Committee Act.

DATES: The meeting will be held on Thursday, May 29, 2025, at 9 a.m. E.T.

ADDRESSES: The meeting will be held at the Surface Transportation Board headquarters at 395 E Street SW, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Elizabeth McGrath at (202) 748-4566 or elizabeth.mcgrath@stb.gov. If you require an accommodation under the Americans with Disabilities Act for this meeting, please call (202) 245-0245 by May 15, 2025.

SUPPLEMENTARY INFORMATION: RETAC was formed in 2007 to provide advice and guidance to the Surface Transportation Board (Board), and to serve as a forum for discussion of emerging issues related to the transportation of energy resources by rail. *Establishment of a Rail Energy Transp. Advisory Comm.*, EP 670 (STB served July 17, 2007). The purpose of this meeting is to facilitate discussions regarding issues including rail service, infrastructure planning and development, and effective coordination among suppliers, rail carriers, and users of energy resources. Potential agenda items for this meeting include a rail performance measures review, industry segment updates by RETAC members, and a roundtable discussion.

The meeting, which is open to the public, will be conducted in accordance with the Federal Advisory Committee Act, 5 U.S.C. Chapter 10; Federal Advisory Committee Management regulations, 41 CFR part 102-3; RETAC's charter; and Board procedures. Further communications about this meeting may be announced through the Board's website at www.stb.gov.

Written Comments: Members of the public may submit written comments to RETAC at any time. Comments should be addressed to RETAC, c/o Elizabeth McGrath, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001 or elizabeth.mcgrath@stb.gov. Please submit any comments for review at the May 29, 2025 meeting by May 27, 2025, if possible.

Authority: 49 U.S.C. 1321, 11101, and 11121.

Decided: April 22, 2025.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Stefan Rice,
Clearance Clerk.

[FR Doc. 2025-07272 Filed 4-25-25; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2024-0092]

Commercial Learner's Permit (CLP): Connell High School; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition; denial of application for exemption.

SUMMARY: FMCSA announces its decision to deny Connell High School's (CHS) application for exemption from the commercial learner's permit (CLP) minimum 18-year age requirement. The applicant sought a 5-year exemption to allow students participating in the CHS Commercial Driver's License (CDL) Training Program to obtain a CLP at the age of 17. The program would span two semesters (one full school year) and provide 180 hours of classroom, field, and drive time training. FMCSA analyzed the application and determined there is insufficient information to conclude that the exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

FOR FURTHER INFORMATION CONTACT: Ms. Bernadette Walker, FMCSA Driver, and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; 202-385-2415; bernadette.walker@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view comments, go to www.regulations.gov, insert the docket number "FMCSA-2024-0092" in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, click "Browse Comments."

To view documents mentioned in this notice as being available in the docket, go to www.regulations.gov, insert docket number "FMCSA-2024-0092" in the keyword box, click "Search," and choose the document to review.

If you do not have access to the internet, you may view the docket by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call

(202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses submitted by the applicant. The Agency must provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulation(s) Requirements

Under 49 CFR 383.5, a CLP is defined as a permit issued by a State or other jurisdiction of domicile, in accordance with the standards contained in 49 CFR part 383, which, when carried with a valid driver's license issued by the same State or jurisdiction, authorizes an individual to operate a class of a commercial motor vehicle when accompanied by a holder of a valid CDL for purposes of behind-the-wheel training. Under 49 CFR 383.25(a)(4), a CLP holder must be 18 years of age or older.

Applicant's Request

CHS's application for an exemption was described in the **Federal Register** published on May 17, 2024 (89 FR 43503), and the description will not be repeated here as the facts have not changed.

Applicant's Method To Ensure an Equivalent or Greater Level of Safety

CHS believes granting its requested exemption will achieve an equivalent or greater level of safety as would be obtained by complying with the regulation. It states that the Washington

State Office of Superintendent of Public Instruction approved the North Franklin School District's CDL preparatory program, which is also listed on FMCSA's Training Provider Registry. The program incorporates various safety requirements, training, and field exercises such as:

- Requiring students to maintain a clean driving record throughout the entirety of the CDL course;
- Training courses from the Washington State Patrol on sex trafficking, vehicle inspections, and other commercial vehicle regulations;
- Use of golf carts and utility trailers to teach backing techniques; and
- Commercial vehicle training simulators to enhance the overall curriculum.

The applicant also cites a study titled "Commercial Motor Vehicle Driver Risk Based on Age and Driving Experience," by the Virginia Tech Transportation Institute (VTTI). The applicant asserts that the study found that driving experience plays a greater role in the safe operation of a CMV than driver age.

IV. Public Comments

On May 17, 2024, FMCSA published notice of CHS's application and requested public comments (89 FR 43503). The Agency received comments from 32 commenters: 15 in support of granting the exemption and 17 in opposition. All of the supporting comments were from individuals. Of the comments in support, a majority believed that individuals in the program would be successful with the proper training. One individual commented, "[T]his exemption is only an [ask] for 17-year-olds to be able to receive their [permit], not their actual CDL Class A License. Students would [still] have to pass their physical, drug testing, and written exam for their permit and only those with their permit would be allowed to drive within a restricted location and under the direct supervision of a licensed and approved trainer." Grant Morris stated, "[T]his is absolutely necessary. We do not have enough truck drivers available for harvest in this state. These programs in the schools are a great way to get kids involved in that industry. [I] fully support the effort."

Of the 17 opposing comments, two were from trucking companies. The majority of commenters who opposed the exemption agreed that the students were too young and lacked the appropriate experience to operate a CMV. AWM Associates, LLC, stated, "I am not convinced that all 17-year-old students are mature enough to operate a 32,000-pound CMV in traffic. It appears

that Connell High School is in a rural community, however, the drivers they train will be able to drive anywhere. The FMCSA doesn't have the personnel to oversee CDL schools and as a result of that too many CDL schools have no oversight to review their performance. Granting the waiver would open the flood gates for other high schools to apply for the same waiver. Connell High School's application should be denied." Food Tree LLC also opposed granting the exemption, stating, "You have to be kidding!! These [kids] have not even learned to drive a car yet. They are truly irresponsible with cell phones and self-discipline when driving. I'm tired of every Tom dick and Harry being able to skate through straight to a CDL or permit. You are putting my family and millions of other families lives in danger! I don't care what a high school teacher thinks about [its] students. Common sense is what's needed, not some gold star beside names on a board. All we true truck drivers, earned what we have the old school way. [P]laying your dues and proving yourself to honest law enforcement and CDL school training that would actually fail you if you did not deserve it." Chris Ogden commented in opposition to the exemption, "I am not in favor of granting the school's application. 17-year-olds are simply not mature enough to be operating a commercial vehicle weighing up to 70,000 pounds." Drew Mueller, also in opposition of granting the exemption, commented, "This concept is terrible. Young drivers don't have the experience or judgement to handle big trucks. Just because there is a shortfall of candidates doesn't mean we change the laws and lower expectations. Create incentives for mature truck drivers to continue their career paths and attract new candidates in the same manner."

V. FMCSA Safety Analysis and Decision

FMCSA has evaluated CHS's application and the public comments and denies the exemption request. Based on the information provided by the applicant and commenters, the Agency is unable to determine that the exemption would achieve a level of safety equivalent to, or greater than, the level obtained by complying with the regulation. The VTTI research study CHS cited, entitled "Commercial Motor Vehicle Driver Risk Based on Age and Driving Experience" and dated April 17, 2020, does not support granting the exemption. While the VTTI study CHS cites did find that CMV driving experience was more important than age in the driver group examined, the study

did not include data on drivers under the age of 21; it thus does not provide information on the individuals who would be covered by CHS's requested exemption. In addition, a separate study entitled, Commercial Driver Safety Risk Factors,¹ dated June 7, 2020, also conducted by VTTI, evaluated driver and situational factors affecting CMV safety in over 21,000 truck drivers and found that younger and less experienced truck drivers were more likely to be involved in crashes or moving violations compared to their older and more experienced counterparts. The study defined the younger driver age group as ages 20–33. Granting CHS's request for an exemption would allow drivers who are both young and inexperienced to operate CMVs, and the available data do not support a determination that such an exemption would likely achieve a level of safety equivalent to that achieved by following the existing regulations.

FMCSA confirmed that Maine issues CLPs and CDLs to drivers as young as 16, pursuant to a provision in the Consolidated Appropriations Act of 2016,² codified as a note to 49 U.S.C. 31308. The note provides that FMCSA may not use funds made available under that appropriations act or future acts to enforce any regulation prohibiting a State from issuing a CLP to drivers under the age of 18 if the State had a law authorizing the issuance of CLPs to under-18 drivers as of May 9, 2011. This note effectively prevents FMCSA from requiring Maine to comply with the age restriction in 49 CFR 383.25(a)(4), but it does not support granting CHS's application. CHS did not reference a comparable Washington law in effect as of May 9, 2011, however, and FMCSA has not identified one. The statutory flexibility effectively granted under the Consolidated Appropriations Act of 2016 therefore does not apply to Washington.

For the reasons stated, CHS's exemption application is denied.

Sue Lawless,

Assistant Administrator.

[FR Doc. 2025–07248 Filed 4–25–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2024–0253]

Entry-Level Driver Training: Application for Exemption; Albert Farley, Jr.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; denial of application for exemption.

SUMMARY: FMCSA announces its decision to deny Albert Farley, Jr.'s request for an exemption from the theory and behind-the-wheel (BTW) instructor requirements contained in the entry-level driver training (ELDT) regulations for himself as a prospective training instructor. Mr. Farley sought an exemption from the requirement that instructors have at least two years of driving experience of the same or higher class and/or the same endorsement level as the commercial motor vehicle (CMV) to be operated. This exemption would have allowed Mr. Farley to serve as an ELDT instructor for students seeking Class A CDLs without having the required two years of experience driving Class A CDLs. FMCSA analyzed the application and public comments and determined that granting the exemption would not likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; 202–366–2722; richard.clemente@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view comments, go to www.regulations.gov, insert the docket number “FMCSA–2024–0253” in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “View Related Comments.”

To view documents mentioned in this notice as being available in the docket, go to www.regulations.gov, insert the docket number “FMCSA–2024–0253” in the keyword box, click “Search,” and chose the document to review.

If you do not have access to the internet, you may view the docket by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE,

Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the safety analyses submitted by the applicant. The Agency must provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). If granted, the exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

The ELDT regulations, implemented on February 7, 2022, established minimum training standards for individuals applying for certain commercial driver's licenses (CDLs) and defined curriculum standards for theory and behind-the-wheel (BTW) training. They also established an online training provider registry (TPR), eligibility requirements for providers to be listed on the TPR, and qualification requirements for instructors. Under 49 CFR 380.703(a)(4) and 380.713, in order to be eligible for listing on the TRP, a training provider must use instructors who meet the definitions of “theory instructors” and “BTW instructors” in 49 CFR 380.605. To meet the definitions of “theory instructor” and “BTW instructor” in 49 CFR 380.605, instructors must hold a CDL of the same (or higher) class, with all endorsements necessary to operate the CMV for which training is to be provided, and have either: (1) a minimum of two years of

¹ Commercial Driver Safety Risk Factors <https://rosap.ntl.bts.gov/view/dot/49620>.

² Public Law 114–113, div. L, title I, § 132, Dec. 18, 2015, 129 Stat. 2850.

experience driving a CMV requiring a CDL of the same or higher class and/or the same endorsement; or (2) at least two years of experience as a BTW CMV instructor.

Applicant's Request

The exemption application was described in detail in a **Federal Register** notice published on December 9, 2024, (89 FR 97700) and will not be repeated here as the facts have not changed.

IV. Public Comments

In response to the request for public comment, FMCSA received one set of jointly filed comments in opposition to the exemption request from the Truck Safety Coalition, Citizens for Reliable and Safe Highways, and Parents Against Tired Truckers.

The joint commenters noted that a committee of stakeholders developed the ELDT rule to ensure all CDL applicants receive standardized training in order to improve safety outcomes. They further commented that Mr. Farley lacked experience driving logging trucks, which are widely acknowledged to be among the most challenging to operate safely. They emphasized the importance of firsthand experience operating large trucks and of training provided by verified, qualified instructors.

V. FMCSA Safety Analysis and Decision

FMCSA has evaluated Mr. Farley's application and the public comments and denies the exemption request. Based on the information provided by the applicant and commenters, the Agency is unable to determine that the exemption would likely achieve a level of safety equivalent to, or greater than, the level obtained by complying with the regulation. Mr. Farley wishes to be a BTW CMV instructor for students seeking Class A CDLs. While he has held a Class B CDL and operated Class B CMVs for many years, he does not have two years of experience operating Class A vehicles. When the Agency established the ELDT regulations, it set two years of experience driving a CMV at the same or higher class or as a BTW CMV instructor as the minimum instructor qualification standard. This determination reflected the opinion of numerous commenters to the ELDT Notice of Proposed Rulemaking, as well as the committee of industry stakeholders that established the "framework" for the ELDT regulations. The Agency firmly believes that allowing an individual instructor to provide ELDT without the required driving experience could lead to similar

exemption requests on a widespread basis. Such a result would be inconsistent with a primary goal of the ELDT regulations, which was to improve highway safety by establishing a uniform Federal minimum ELDT standard.

Furthermore, in a prior December 22, 2022, **Federal Register** Notice [87 FR 78762] the Agency announced its decision to deny a similar exemption application request from the Western Area Career and Technology Center.

For the above reasons, the Albert Farley, Jr. exemption application is denied.

Sue Lawless,

Assistant Administrator.

[FR Doc. 2025-07249 Filed 4-25-25; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2010-0029]

Amtrak's Request To Amend Its Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on April 16, 2025, the National Railroad Passenger Corporation (Amtrak) submitted a request for amendment (RFA) to one of its FRA-certified positive train control (PTC) systems to temporarily disable the system for a period of one to two hours in support of the installation and testing of a new Back Office Subsystem environment upgrade. FRA is publishing this notice and inviting public comment on the railroad's RFA. **DATES:** FRA will consider comments received by May 19, 2025. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES:

Comments: Comments may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA-2010-0029. For convenience, all active PTC dockets

are hyperlinked on FRA's website at <https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets>. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information.

FOR FURTHER INFORMATION CONTACT:

Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816-516-7168, email: Gabe.Neal@dot.gov.

SUPPLEMENTARY INFORMATION: In general, Title 49 United States Code (U.S.C.) Section 20157(h) requires FRA to certify that a host railroad's PTC system complies with Title 49 Code of Federal Regulations (CFR) Part 236, Subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTC Safety Plan (PTCSP), a host railroad must submit, and obtain FRA's approval of, an RFA to its PTC system or PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification or discontinuance of a signal or train control system. Accordingly, this notice informs the public that, on April 16, 2025, Amtrak submitted an RFA to its Interoperable Electronic Train Management System (I-ETMS). Amtrak seeks FRA's approval to disable its I-ETMS temporarily, for one to two hours, to support the installation and testing of a new Back Office Subsystem environment upgrade in June 2025. Amtrak asserts that this new environment will support improved I-ETMS operations reliability. That RFA is available in Docket No. FRA-2010-0029.

Interested parties are invited to comment on Amtrak's RFA by submitting written comments or data. During FRA's review of this railroad's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](https://www.regulations.gov). To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2025-07201 Filed 4-25-25; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF THE TREASURY**Office of Foreign Assets Control****Notice of OFAC Sanctions Action**

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons and entities that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on April 17, 2025. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global

Targeting, 202-622-2420; Assistant Director for Licensing, 202-622-2480; Assistant Director for Sanctions Compliance, 202-622-2490 or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:**Electronic Availability**

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Action

On April 17, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

BILLING CODE 4810-AL-P

Entity

1. INTERNATIONAL BANK OF YEMEN Y.S.C. (Arabic: بنك اليمن الدولي) (a.k.a. YEMEN INTERNATIONAL BANK), P.O. Box 4444, Al Zubairi St., Sana'a, Yemen; SWIFT/BIC IBOYYESA; Website <https://www.ibyemen.com>; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 1979; Target Type Financial Institution; Registration Number 436/21 (Yemen) [SDGT] (Linked To: ANSARALLAH).

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism," 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism," 84 FR 48041 (E.O. 13224, as amended), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ANSARALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Individuals

1. AL JEBRY, Kamal Hussain (Arabic: كمال حسين الجبري) (a.k.a. AL JABRI, Kamal Hussein Mohssen), Sana'a, Yemen; DOB 12 Mar 1964; POB Yemen; nationality Yemen; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 00005959 (Yemen) (individual) [SDGT] (Linked To: INTERNATIONAL BANK OF YEMEN Y.S.C.).

Designated pursuant to section 1(a)(iii)(E) of Executive Order 13224, as amended, for being a leader or official of, INTERNATIONAL BANK OF YEMEN Y.S.C., a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. AL-ABSI, Ahmed Thabit Noman (Arabic: أحمد ثابت نعمان العبسي), Sana'a, Yemen; DOB 09 Sep 1955; POB Ta'izz, Yemen; nationality Yemen; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 05619734 (Yemen) (individual) [SDGT] (Linked To: INTERNATIONAL BANK OF YEMEN Y.S.C.).

Designated pursuant to section 1(a)(iii)(F) of Executive Order 13224, as amended, for being a leader or official of, INTERNATIONAL BANK OF YEMEN Y.S.C., a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

3. BAZARA, Abdulkader Ali (Arabic: عبدالقادر علي بازعه) (a.k.a. BAZARA, Abdulkader Ali Ahmed), Sana'a, Yemen; DOB 10 Sep 1953; POB Addis Ababa, Ethiopia; alt. POB Yemen; nationality Yemen; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] (Linked To: INTERNATIONAL BANK OF YEMEN Y.S.C.).

Designated pursuant to section 1(a)(iii)(F) of Executive Order 13224, as amended, for being a leader or official of, INTERNATIONAL BANK OF YEMEN Y.S.C., a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2025–07204 Filed 4–25–25; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Proposed Collection; Comment Request; Equal Employment Opportunity (EEO) Complaint Forms

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on the proposed information collection listed below, in accordance with the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before June 27, 2025.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8100, Washington, DC 20220, or email at PRA@treasury.gov.

FOR FURTHER INFORMATION CONTACT:

Copies of the submissions may be obtained from Spencer W. Clark by emailing PRA@treasury.gov, calling (202) 927–5331, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Title: Equal Employment Opportunity (EEO) Complaint Forms.

OMB Control Number: 1505–0262.

Type of Review: Revision of a currently approved collection.

Description: This information is being collected for the purpose of processing informal and formal complaints of employment discrimination against the Department on the bases of race, color, religion, sex (including pregnancy), national origin, age (over 40), disability, genetic information, parental status, or retaliation. Pursuant to 29 CFR 1614.105, the individual must participate in pre-complaint counseling to try to informally resolve his/her complaint prior to filing a complaint of discrimination. Information provided on the pre-complaint forms may be used by the counselee to assist in determining if they would like to file a formal complaint against the Department. The

information captured on these forms will be reviewed by the staff of the Department's Office of Civil Rights and EEO to frame the claims for investigation and determine whether the claims are within the parameters established in 29 CFR part 1614. Minor changes were made to previously approved EEO Forms to reflect the removal of gender identity and sexual orientation as a basis for sex discrimination. The term/label of "Aggrieved" was also changed to "Counselee" or "Aggrieved" to "employee or applicant".

Forms: Report of Counseling 62–03.1, Designation of Representative and Limited Power of Attorney 62–03.2, Agreement to Extend Counseling with Mediation 62–03.4, Individual Formal Complaint Form 62–03.5, Agreement to Extend Counseling without Mediation 62–03.6, Notice of Rights and Responsibilities 62–03.7, Notice of Right to File 62–03.8, Withdrawal 62–03.9, Class Complaint 62–03.10, ADR Election Form 62–03.11.

Affected Public: Individuals (Current Treasury Employees, Former Employees or Applicants).

Estimated Number of Respondents: 20.

Frequency of Response: Once, On Occasion.

Estimated Total Number of Annual Responses: 20.

Estimated Time per Response: Varies by form from 3 minutes to 1 hour.

Estimated Total Annual Burden Hours: 47 hours.

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. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

Authority: 44 U.S.C. 3501 *et seq.*

Snider Page,

Director, Office of Civil Rights and EEO (OCRE).

[FR Doc. 2025–07246 Filed 4–25–25; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Air Carrier Loan and Payroll Support Programs

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before May 28, 2025 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Copies of the submissions may be obtained from Spencer W. Clark by emailing PRA@treasury.gov, calling (202) 927–5331, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Departmental Offices (DO)

Title: Air Carrier Loan and Payroll Support Programs.

OMB Control Number: 1505–0263.

Type of Request: Revision of a currently approved collection.

Description: Several pieces of legislation (the "Coronavirus Aid, Relief, and Economic Security Act" or the "CARES Act" (Pub. L. 116–136), the Consolidated Appropriations Act, 2021 or the "Appropriations Act," and the American Rescue Plan Act, 2021) provided emergency assistance and health care response for individuals, families and businesses affected by the

COVID–19 pandemic, and provided emergency appropriations to support executive branch agency operations during the COVID–19 pandemic. These authorized the Secretary of the Treasury to make loans, loan guarantees, other investments and assistance to eligible businesses (such as air carriers and certain related contractors), States, and municipalities related to losses incurred because of coronavirus.

While Treasury is no longer accepting loan program or Payroll Support Program (PSP) applications, both programs require ongoing compliance reporting for certain participants, as

well as recordkeeping. Specifically, as part of the loan and PSP agreements, applicants were required to maintain records for a period of five years or more, depending on the agreement type and period of performance, as well as submit compliance reports on a quarterly basis to ensure funding is used in accordance with the agreements and aid statutory reporting requirements.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 34.

Frequency of Response: Quarterly, On occasion.

Estimated Total Number of Annual Responses: 170.

Estimated Time per Response: 4.25 hours for compliance reporting and recordkeeping, 30 hours for compliance audits.

Estimated Total Annual Burden Hours: 1,598.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2025–07233 Filed 4–25–25; 8:45 am]

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Part II

Department of Energy

Federal Energy Regulatory Commission

18 CFR Part 35

Building for the Future Through Electric Regional Transmission Planning
and Cost Allocation; Final Rule

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Part 35**

[Docket No. RM21–17–003; Order No. 1920–B]

Building for the Future Through Electric Regional Transmission Planning and Cost Allocation**AGENCY:** Federal Energy Regulatory Commission.**ACTION:** Order on rehearing and clarification.**SUMMARY:** In this order, the Federal Energy Regulatory Commission addresses arguments raised on

rehearing, grants clarification, in part, and denies clarification, in part, of Order No. 1920–A, which addressed arguments raised on rehearing of, set aside, in part, and clarified Order No. 1920. Order No. 1920 required transmission providers, *inter alia*, to conduct Long-Term Regional Transmission Planning to ensure the identification, evaluation, and selection, as well as the allocation of the costs, of more efficient or cost-effective regional transmission solutions to address Long-Term Transmission Needs.

DATES: The effective date of the document published on December 6, 2024 (89 FR 97174), is confirmed: January 6, 2025.

FOR FURTHER INFORMATION CONTACT: Patrick T. Metz (Legal Information), Office of the General Counsel, 888

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I. Introduction

1. In Order No. 1920,¹ the Federal Energy Regulatory Commission (Commission) revised the *pro forma* Open Access Transmission Tariff (OATT) to adopt reforms to its existing electric transmission planning and cost allocation requirements pursuant to section 206 of the Federal Power Act (FPA).² The Commission found that existing regional transmission planning and cost allocation processes are unjust, unreasonable, and unduly discriminatory or preferential because,

inter alia, the Commission's existing transmission planning and cost allocation requirements do not require transmission providers³ to: (1) perform

a sufficiently long-term assessment of transmission needs that identifies Long-Term Transmission Needs;⁴ (2) adequately account on a forward-looking basis for known determinants of

¹ *Bldg. for the Future Through Elec. Reg'l Transmission Plan. & Cost Allocation*, Order No. 1920, 89 FR 49280 (June 11, 2024), 187 FERC ¶ 61,068, *order on reh'g & clarification*, Order No. 1920–A, 89 FR 97174 (Dec. 6, 2024), 189 FERC ¶ 61,126 (2024).

² 16 U.S.C. 824e.

³ FPA Section 201(e), 16 U.S.C. 824(e), defines “public utility” to mean “any person who owns or operates facilities subject to the jurisdiction of the Commission under this subchapter.” As stated in the Order No. 888 *pro forma* OATT, “transmission provider” is a “public utility (or its Designated Agent) that owns, controls, or operates facilities used for the transmission of electric energy in interstate commerce and provides transmission service under the Tariff.” *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Servs. by Pub. Utils.; Recovery of Stranded Costs by Pub. Utils. & Transmitting Utils.*, Order No. 888, 61 FR 21540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036 (1996) (cross-referenced at 75 FERC ¶ 61,080), *order on reh'g*, Order No. 888–A, 62 FR 12274 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,048 (cross-referenced at 78 FERC ¶ 61,220), *order on reh'g*, Order No. 888–B, 81 FERC ¶ 61,248 (1997), *order*

on reh'g, Order No. 888–C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Pol'y Study Grp. v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. N. Y. v. FERC*, 535 U.S. 1 (2002); *pro forma* OATT section I.1 (Definitions). The term “transmission provider” includes a public utility transmission owner when the transmission owner is separate from the transmission provider, as is the case in regional transmission organizations (RTO) and independent system operators (ISO).

⁴ For purposes of Order No. 1920, Long-Term Transmission Needs are transmission needs identified through Long-Term Regional Transmission Planning by, among other things and as discussed in Order Nos. 1920 and 1920–A, running scenarios and considering the enumerated categories of factors. Order No. 1920, 187 FERC ¶ 61,068 at P 299; Order No. 1920–A, 189 FERC ¶ 61,126 at P 20 n.16.

Long-Term Transmission Needs; and (3) consider the broader set of benefits of regional transmission facilities planned to meet those Long-Term Transmission Needs.⁵ Building on Order Nos. 890⁶ and 1000,⁷ Order No. 1920 addresses these deficiencies by establishing requirements to ensure that Commission-jurisdictional rates remain just and reasonable and not unduly discriminatory or preferential, including, *inter alia*, a requirement that transmission providers in each transmission planning region participate in a regional transmission planning process that includes Long-Term Regional Transmission Planning,⁸ which will ensure the identification, evaluation, and selection of more efficient or cost-effective regional transmission facilities to address Long-Term Transmission Needs, as well as the just and reasonable allocation of the costs of those facilities.⁹

2. In Order No. 1920–A, the Commission largely sustained the reforms adopted in Order No. 1920 while refining and improving those reforms to address concerns raised in response to Order No. 1920 and to ensure that states have a robust role in Long-Term Regional Transmission Planning and in the cost allocation processes established in the final rule. Specifically, and as relevant here, the Commission set aside, in part, and clarified, in part, Order No. 1920 to provide that: (1) transmission providers

may not plan for the needs of a non-jurisdictional transmission provider if that non-jurisdictional transmission provider has not enrolled in the transmission planning region and thereby has not agreed to any cost allocation method applicable to selected Long-Term Regional Transmission Facilities;¹⁰ (2) when Relevant State Entities¹¹ agree on a Long-Term Regional Transmission Cost Allocation Method(s)¹² and/or State Agreement Process¹³ resulting from the Engagement Period,¹⁴ transmission providers must include that method(s) and/or process in the transmittal or as an attachment to their Order No. 1920 regional transmission planning and cost allocation compliance filings, along with any information that Relevant State Entities provide to transmission providers regarding the state negotiations during the Engagement Period, even if transmission providers

propose a different Long-Term Regional Transmission Cost Allocation Method or do not propose to adopt a State Agreement Process;¹⁵ (3) the Commission will consider the entire record—including the Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process and the transmission provider's proposal—when setting the replacement rate in Order No. 1920 regional transmission planning and cost allocation compliance proceedings;¹⁶ and (4) transmission providers must consult with Relevant State Entities prior to amending the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process or, if Relevant State Entities seek, consistent with their chosen method to reach agreement, for the transmission providers to amend that method or process.¹⁷ As further relevant here, the Commission disagreed with certain arguments raised on rehearing of Order No. 1920 and continued to: (1) find that the Commission made adequate findings and marshalled sufficient evidence under the first prong of FPA section 206 to establish that existing Commission-jurisdictional regional transmission planning and cost allocation processes are unjust and unreasonable;¹⁸ and (2) define Relevant State Entities as any state entity responsible for electric utility regulation or siting electric transmission facilities within the state or portion of a state located in the transmission planning region, including any state entity as may be designated for that purpose by the law of such state.¹⁹

3. Seven petitioners have sought further rehearing and clarification of the Commission's determinations in Order No. 1920–A,²⁰ and the Commission received two additional filings.²¹

⁵ Order No. 1920, 187 FERC ¶ 61,068 at P 1.

⁶ *Preventing Undue Discrimination & Preference in Transmission Serv.*, Order No. 890, 72 FR 12266 (Mar. 15, 2007), 118 FERC ¶ 61,119 (2007), *order on reh'g*, Order No. 890–A, 73 FR 2984 (Jan. 16, 2008), FERC Stats. & Regs. ¶ 31,261 (2007) (cross-referenced at 118 FERC ¶ 61,119), *order on reh'g and clarification*, Order No. 890–B, 73 FR 39092 (July 8, 2008), 123 FERC ¶ 61,299 (2008), *order on reh'g*, Order No. 890–C, 74 FR 12540 (Mar. 25, 2009), 126 FERC ¶ 61,228 (2009), *order on clarification*, Order No. 890–D, 74 FR 61511 (Nov. 25, 2009), 129 FERC ¶ 61,126 (2009).

⁷ *Transmission Plan. & Cost Allocation by Transmission Owning & Operating Pub. Utils.*, Order No. 1000, 76 FR 49842 (Aug. 11, 2011), 136 FERC ¶ 61,051 (2011), Order No. 1000–A, 77 FR 32184 (May 31, 2012), 139 FERC ¶ 61,132 (2012), *order on reh'g & clarification*, Order No. 1000–B, 141 FERC ¶ 61,044 (2012), *aff'd sub nom. S.C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41 (D.C. Cir. 2014) (South Carolina).

⁸ For purposes of Order No. 1920, Long-Term Regional Transmission Planning means regional transmission planning on a sufficiently long-term, forward-looking, and comprehensive basis to identify Long-Term Transmission Needs, identify transmission facilities that meet such needs, measure the benefits of those transmission facilities, and evaluate those transmission facilities for potential selection in the regional transmission plan for purposes of cost allocation as the more efficient or cost-effective regional transmission facilities to meet Long-Term Transmission Needs. Order No. 1920, 187 FERC ¶ 61,068 at PP 38, 250–252; Order No. 1920–A, 189 FERC ¶ 61,126 at P 21 n.17.

⁹ Order No. 1920, 187 FERC ¶ 61,068 at PP 1–2.

¹⁰ Order No. 1920–A, 189 FERC ¶ 61,126 at P 323. For purposes of Order No. 1920, a Long-Term Regional Transmission Facility is a regional transmission facility, as defined in Order No. 1000, that is identified as part of Long-Term Regional Transmission Planning to address Long-Term Transmission Needs. Order No. 1920, 187 FERC ¶ 61,068 at PP 41, 250; Order No. 1920–A, 189 FERC ¶ 61,126 at P 21 n.18.

¹¹ For purposes of Order No. 1920, a Relevant State Entity is any state entity responsible for electric utility regulation or siting electric transmission facilities within the state or portion of a state located in the transmission planning region, including any state entity as may be designated for that purpose by the law of such state. Order No. 1920, 187 FERC ¶ 61,068 at PP 44, 1355; Order No. 1920–A, 189 FERC ¶ 61,126 at P 23 & n.23.

¹² For purposes of Order No. 1920, a Long-Term Regional Transmission Cost Allocation Method is an *ex ante* regional cost allocation method for one or more Long-Term Regional Transmission Facilities (or a portfolio of such Facilities) that are selected in the regional transmission plan for purposes of cost allocation. Order No. 1920, 187 FERC ¶ 61,068 at P 1291; Order No. 1920–A, 189 FERC ¶ 61,126 at P 612 n.1539.

¹³ For purposes of Order No. 1920, a State Agreement Process is a process by which one or more Relevant State Entities may voluntarily agree to a cost allocation method for Long-Term Regional Transmission Facilities (or a portfolio of such Facilities) before or no later than six months after they are selected in the regional transmission plan for purposes of cost allocation. Order No. 1920, 187 FERC ¶ 61,068 at P 45; Order No. 1920–A, 189 FERC ¶ 61,126 at P 24 n.28.

¹⁴ For purposes of Order No. 1920, an Engagement Period is a six-month time period during which transmission providers must: (1) provide notice of the starting and end dates for the six-month time period; (2) post contact information that Relevant State Entities may use to communicate with transmission providers about any agreement among Relevant State Entities on a Long-Term Regional Transmission Cost Allocation Method(s) and/or a State Agreement Process, as well as a deadline for communicating such agreement; and (3) provide a forum for negotiation of a Long-Term Regional Transmission Cost Allocation Method(s) and/or a State Agreement Process that enables robust participation by Relevant State Entities. Order No. 1920, 187 FERC ¶ 61,068 at PP 5, 1354; Order No. 1920–A, 189 FERC ¶ 61,126 at P 24.

¹⁵ Order No. 1920–A, 189 FERC ¶ 61,126 at P 651.

¹⁶ *Id.* P 659.

¹⁷ *Id.* P 691.

¹⁸ *See id.* PP 72–86.

¹⁹ *See id.* P 685.

²⁰ Appendix A includes a list of petitioners submitting requests for rehearing and/or clarification of Order No. 1920–A.

²¹ On February 5, 2025, NRECA sent a letter to Chairman Mark Christie addressing Order No. 1920–A. On February 12, 2025, Developers Advocating Transmission Advancements submitted a late-filed pleading and white paper in response to the 2021 Advanced Notice of Proposed Rulemaking. To the extent that they intend to seek rehearing, these pleadings are untimely and we therefore reject them. 16 U.S.C. 825(a); 18 CFR 385.713(b) (2024). They also do not include a separate section entitled “Statement of Issues” listing each issue presented to the Commission in a separately enumerated paragraph, as required by Rule 713(c)(2) of the Commission's Rules of Practice and Procedure. 18 CFR 385.713(c)(2). Below, we address NRECA's

Pursuant to *Allegheny Defense Project v. FERC*,²² the rehearing requests filed in this proceeding may be deemed denied by operation of law. However, as permitted by FPA section 313(a),²³ we are modifying the discussion in Order No. 1920–A and continue to reach the same result in this proceeding, as discussed below.²⁴ That is, in this order, we do not change the outcome of Order No. 1920–A.²⁵ This order also does not amend the Commission’s regulations or the provisions of Attachment K to the *pro forma* OATT.

4. We also grant, in part, and deny, in part, the requests for clarification. Specifically, we clarify one aspect of the Commission’s discussion in Order No. 1920–A to explain that, consistent with Order No. 1000, transmission providers are not required to plan for the Long-Term Transmission Needs of unenrolled non-jurisdictional transmission providers, but voluntary arrangements for regional transmission planning and cost allocation that comply with the FPA and the Commission’s cost causation precedent are not prohibited.²⁶ In addition, we sustain the requirement in Order No. 1920–A that transmission providers include Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process resulting from the Engagement Period, and associated information provided to transmission providers regarding the state negotiations during the Engagement Period, in transmission providers’ transmittal or as an attachment to their Order No. 1920 regional transmission planning and cost allocation compliance filings.²⁷ We further sustain the requirement that transmission providers consult with Relevant State Entities: (1) prior to amending the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process; or (2)

if Relevant State Entities seek, consistent with their chosen method to reach agreement, for the transmission provider to amend that method or process.²⁸ We are not persuaded, however, by NRECA’s request to expand the definition of Relevant State Entity to include any entity that establishes or regulates electric rates under state law.²⁹ Finally, we reject as procedurally barred Indicated PJM TOs’ and SPP TOs’ arguments that the Commission’s findings under the first prong of FPA section 206 were insufficient to support its exercise of authority in Order No. 1920.³⁰

5. We continue to find that these reforms, as refined and improved in Order No. 1920–A, ensure that transmission providers will conduct sufficiently long-term, forward looking, and comprehensive transmission planning and cost allocation processes to meet the demands of the modern transmission grid, while facilitating meaningful participation by the states, consistent with the jurisdictional boundaries delineated in the FPA.

II. Long-Term Regional Transmission Planning

A. Planning for the Long-Term Transmission Needs of Unenrolled Non-Jurisdictional Transmission Providers

1. Order Nos. 1920 and 1920–A

6. In Order No. 1920, the Commission required transmission providers in each transmission planning region to participate in a regional transmission planning process that includes Long-Term Regional Transmission Planning, meaning regional transmission planning on a sufficiently long-term, forward-looking, and comprehensive basis to identify Long-Term Transmission Needs, identify transmission facilities that meet such needs, measure the benefits of those transmission facilities, and evaluate those transmission facilities for potential selection in the regional transmission plan for purposes of cost allocation as the more efficient or cost-effective transmission facilities to meet Long-Term Transmission Needs.³¹ To identify Long-Term Transmission Needs and to identify and evaluate transmission facilities that meet such needs, transmission

providers must develop a set of at least three plausible and diverse Long-Term Scenarios,³² each of which must: (1) incorporate seven specific categories of factors that represent known determinants of Long-Term Transmission Needs; and (2) account for factors within each such category that the transmission provider determines are likely to affect Long-Term Transmission Needs.³³ Factor Category Three comprises state-approved integrated resource plans and expected supply obligations for load-serving entities.³⁴

7. In Order No. 1920–A, the Commission clarified that, for purposes of complying with the requirements of Order No. 1920, transmission providers must plan for the needs of non-jurisdictional entities that are among the transmission providers’ transmission customers as they would plan for the needs of any other transmission customer. For example, each Long-Term Scenario must account for and be consistent with factors within Factor Category Three once transmission providers in a transmission planning region have determined that such factors are likely to affect Long-Term Transmission Needs. This includes any non-jurisdictional transmission customer’s resource planning and procurement processes that have been approved by that entity’s respective governing authority.³⁵

8. The Commission further clarified in Order No. 1920–A that “transmission providers may *not* plan for the needs of a non-jurisdictional utility transmission provider if that non-jurisdictional transmission provider has not enrolled in the transmission planning region and thereby has not agreed to any cost allocation method applicable to selected Long-Term Regional Transmission Facilities.”³⁶ The Commission stated

³² Order No. 1920 defines Long-Term Scenarios as scenarios that incorporate various assumptions using best available data inputs about the future electric power system over a sufficiently long-term, forward-looking transmission planning horizon to identify Long-Term Transmission Needs and enable the identification and evaluation of transmission facilities to meet such transmission needs. Order No. 1920, 187 FERC ¶ 61,068 at PP 40, 302.

³³ *Id.* PP 298, 409, 415.

³⁴ *Id.* P 447; *see also* Order No. 1920–A, 189 FERC ¶ 61,126 at PP 139, 263, 279.

³⁵ Order No. 1920–A, 189 FERC ¶ 61,126 at P 323 (citing Order No. 1920, 187 FERC ¶ 61,068 at PP 507, 510). The Commission issued this clarification in response to a request to clarify that the resource planning and procurement processes of non-jurisdictional transmission providers that have been approved by their respective governing authorities should be included in Factor Category Three. *Id.* P 315 (citing SERTP Sponsors June 12, 2024 Rehearing Request at 5).

³⁶ *Id.* P 323 (citing Order No. 1000–A, 139 FERC ¶ 61,132 at P 276).

rehearing request, which raised similar issues to those NRECA raised in its letter. *See infra* Definition of Relevant State Entities section.

²² 964 F.3d 1 (D.C. Cir. 2020) (en banc).

²³ 16 U.S.C. 8251(a) (“Until the record in a proceeding shall have been filed in a court of appeals, as provided in subsection (b), the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it under the provisions of this chapter.”).

²⁴ *Allegheny Def. Project*, 964 F.3d at 16–17.

²⁵ *See Smith Lake Improvement & Stakeholders Ass’n v. FERC*, 809 F.3d 55, 56–57 (D.C. Cir. 2015).

²⁶ *See* Order No. 1920–A, 189 FERC ¶ 61,068 at P 323; *infra* Planning for the Long-Term Transmission Needs of Unenrolled Non-Jurisdictional Transmission Providers section.

²⁷ Order No. 1920–A, 189 FERC ¶ 61,126 at PP 651, 655; *infra* Requirements Concerning Relevant State Entities’ Agreed-upon Cost Allocation Methods section.

²⁸ Order No. 1920–A, 189 FERC ¶ 61,126 at P 691; *infra* Consultation with Relevant State Entities After the Engagement Period section.

²⁹ Order No. 1920–A, 189 FERC ¶ 61,126 at P 701; *infra* Definition of Relevant State Entities section.

³⁰ Order No. 1920–A, 189 FERC ¶ 61,126 at PP 72–86; *infra* Other Cost Allocation Issues section.

³¹ Order No. 1920, 187 FERC ¶ 61,068 at P 224; *see also* Order No. 1920–A, 189 FERC ¶ 61,126 at P 138.

that, if transmission providers were to plan for and consider non-jurisdictional transmission providers' Long-Term Transmission Needs without a way to ensure the non-jurisdictional transmission provider contributes to the costs of the resulting Long-Term Regional Transmission Facilities, the resulting cost allocation could violate the cost causation principle and result in free-ridership.³⁷

2. Rehearing Requests

9. NRECA and WestConnect CTOs request rehearing and/or clarification of the statement in Order No. 1920–A that “transmission providers may *not* plan for the needs of a non-jurisdictional utility transmission provider if that non-jurisdictional transmission provider has not enrolled in the transmission planning region and thereby has not agreed to any cost allocation method applicable to selected Long-Term Regional Transmission Facilities.”³⁸ In particular, NRECA and WestConnect CTOs assert that this statement could be read to prohibit transmission providers from voluntarily agreeing to plan for the needs of unenrolled non-jurisdictional transmission providers.³⁹

10. NRECA asks the Commission to clarify that Order No. 1920–A does not change the Commission's existing regulations and policy, and thus transmission providers in a transmission planning region continue to have the discretion to plan for the needs of a non-jurisdictional transmission provider that has not enrolled in the regional transmission planning process.⁴⁰ NRECA asserts that its requested interpretation of Order No. 1920–A is supported by the Commission's own citation to the language in Order No. 1000–A, stating that the regional transmission planning process is not required to plan for the transmission needs of a non-jurisdictional, unenrolled transmission provider.⁴¹ NRECA states that the Commission has interpreted Order No.

1000–A as neither prohibiting nor compelling regional transmission planning processes from planning for the transmission needs of unenrolled non-jurisdictional transmission providers, *i.e.*, non-jurisdictional transmission providers that have not agreed to accept any applicable cost allocation method for selected regional transmission facilities.⁴²

11. NRECA also argues that its requested interpretation of Order No. 1920–A is consistent with the next sentence of Order No. 1920–A, which states that, “[i]f the transmission provider were to plan for and consider non-jurisdictional transmission providers' Long-Term Transmission Needs without a way to ensure the non-jurisdictional transmission provider contributes to the costs of the resulting Long-Term Regional Transmission Facilities, the resulting cost allocation could violate the cost causation principle and result in free-ridership.”⁴³ NRECA asserts that this rationale supports Order No. 1000–A's statement that the public utility transmission providers in a transmission planning region are not compelled to plan for the transmission needs of an unenrolled non-jurisdictional transmission provider that has not agreed to accept any applicable cost allocation method for selected regional transmission facilities, but does not justify prohibiting voluntary planning for such needs if transmission providers in a transmission planning region can ensure that they will not be required to subsidize transmission projects that benefit the unenrolled non-jurisdictional transmission providers.⁴⁴

12. NRECA and WestConnect CTOs each argue that the court in *El Paso* did not hold that the FPA requires the Commission to prohibit transmission providers in a transmission planning region from voluntarily planning for unenrolled non-jurisdictional transmission providers' needs.⁴⁵ NRECA states that the *El Paso* court had no reason for such a holding in reviewing an Order No. 1000 regional compliance filing but simply quoted

with approval the Commission's “‘clear statement’” in Order No. 1000–A.⁴⁶ Thus, NRECA contends, Order No. 1000–A and *El Paso* allow transmission providers in a transmission planning region to agree to plan for the transmission needs of unenrolled non-jurisdictional transmission providers if they have assurance that the enrolled transmission providers will not be required to subsidize transmission projects that benefit the unenrolled non-jurisdictional transmission providers.⁴⁷

13. WestConnect CTOs assert that the issue on which the transmission providers prevailed in *El Paso* was their objection to being forced to subsidize transmission projects from which unenrolled non-jurisdictional transmission providers who did not commit to the allocation of costs might nonetheless benefit. WestConnect CTOs assert that members of WestConnect believed that the risk of subsidization could be sufficiently minimized to allow their long history of beneficial coordinated transmission planning to continue without enrollment of the WestConnect unenrolled non-jurisdictional transmission providers.⁴⁸ WestConnect CTOs argue that, contrary to the Commission's statement in Order No. 1920–A, it is untrue that transmission providers cannot ensure that an unenrolled non-jurisdictional transmission provider contributes to the cost of a regional transmission project from which it benefits without enrolling in the transmission planning region.⁴⁹ WestConnect CTOs assert that prohibiting joint regional transmission planning is based on a false binary choice—that non-jurisdictional transmission providers are not required to enroll in a transmission planning region and can only participate if they enroll.⁵⁰ WestConnect CTOs represent that the WestConnect transmission planning region's transmission providers remain open to considering a modified coordinating transmission owner framework that provides them reasonable assurance that they will not have to subsidize their non-

³⁷ *Id.* (citing *El Paso Elec. Co. v. FERC*, 76 F.4th 352, 363–66 (5th Cir. 2023) (*El Paso*)).

³⁸ NRECA Rehearing Request at 3 (quoting Order No. 1920–A, 189 FERC ¶ 61,126 at P 323); WestConnect CTOs Rehearing Request at 1 (same).

³⁹ NRECA Rehearing Request at 3, 17; WestConnect CTOs Rehearing Request at 1–5 (asserting that Order No. 1920–A, misinterpreting *El Paso*, establishes a prohibition on voluntary planning with unenrolled non-jurisdictional transmission providers).

⁴⁰ NRECA Rehearing Request at 3; *see also id.* at 16 (“NRECA requests that the Commission clarify that ‘may not plan’ means ‘is not required to plan’ rather than ‘is not permitted to plan.’” (emphasis in original)).

⁴¹ *Id.* at 16 (citing Order No. 1920–A, 189 FERC ¶ 61,126 at P 323 n.914 (citing Order No. 1000–A, 139 FERC ¶ 61,132 at P 276)).

⁴² *Id.* at 16, 17 (citing *Pub. Serv. Co. of Colo.*, 148 FERC ¶ 61,213 (2014), *order on reh'g*, 151 FERC ¶ 61,128 (2015), *vacated & remanded*, *El Paso Elec. Co. v. FERC*, 832 F.3d 495 (5th Cir. 2016)).

⁴³ *Id.* at 16 (citing Order No. 1920–A, 189 FERC ¶ 61,126 at P 323).

⁴⁴ *Id.* at 16–17.

⁴⁵ *Id.* at 17 (citing *El Paso*, 76 F.4th at 363); WestConnect CTOs Rehearing Request at 4 (asserting that *El Paso* holds only that public utilities may not be required to plan for the transmission needs of unenrolled non-jurisdictional utilities that do not accept the allocation of costs related to regional transmission projects from which they benefit (citing *El Paso*, 76 F.4th at 362–63)).

⁴⁶ NRECA Rehearing Request at 17 (quoting *El Paso*, 76 F.4th at 363).

⁴⁷ *Id.*

⁴⁸ WestConnect CTOs Rehearing Request at 6 (citing *Ariz. Pub. Serv. Co.*, 181 FERC ¶ 61,223, at P 14 (2022)).

⁴⁹ *Id.* at 5 (citing Order No. 1920–A, 189 FERC ¶ 61,126 at P 323).

⁵⁰ *Id.* at 6; *see also id.* at 9 n.17 (citing *Pub. Serv. Co. of Colo.*, WestConnect CTOs Request for Clarification, Docket No. ER13–75–014, et al., at n.2 (filed Nov. 18, 2024)).

jurisdictional counterparts without requiring their enrollment.⁵¹

14. WestConnect CTOs further state that banning the possibility of voluntary arrangements for joint regional transmission planning with unenrolled non-jurisdictional transmission providers violates FPA section 202(a), under which the Commission is “affirmatively not only ‘empowered,’ but ‘directed’ to divide the country into regional districts for the voluntary interconnection and coordination of facilities for the generation, transmission, and sale of electric energy.”⁵²

15. WestConnect CTOs and NRECA argue that a ban on regional transmission planning by public utilities and unenrolled non-jurisdictional transmission providers would be an unacknowledged, unexplained, and hence arbitrary departure from Order No. 1000 precedent.⁵³ WestConnect CTOs argue that the Commission’s misinterpretation of *El Paso* is counterproductive to the Commission’s professed goal of Order Nos. 1000 and 1920—to encourage and enhance regional transmission planning.⁵⁴

16. WestConnect CTOs state that the Commission has noted that it “accepted the WestConnect public utility transmission providers’ proposed participation framework [(i.e., the coordinating transmission owner framework)] under which non-public utility transmission providers could participate in WestConnect as either enrolled transmission owners or coordinating transmission owners.”⁵⁵

⁵¹ *Id.* at 5 (citing *Pub. Serv. Co. of Colo.*, WestConnect CTOs Request for Clarification, Docket No. ER13–75–014, et al. (filed Nov. 18, 2024)).

⁵² *Id.* (quoting 16 U.S.C. 824a(a) (emphasis added)).

⁵³ *Id.* at 2–3, 6; NRECA Rehearing Request at 4–5, 18 (citing 5 U.S.C. 706(2)(A) (other citations omitted)).

⁵⁴ WestConnect CTOs Rehearing Request at 6; *see also id.* at 6–7 (asserting that, in Order No. 1000 compliance proceedings, WestConnect transmission providers explained that non-jurisdictional transmission providers’ enrollment was not a prerequisite to their participation in regional transmission planning and would run contrary to the goals of Order No. 1000) (“It was precisely because of the presence of a large number of both public utility and non-jurisdictional utility transmission owners in the WestConnect region that the [j]urisdictional [u]tilities strove to create a compliance structure that would be superior to one in which non-jurisdictional utilities unwilling to subject themselves to Order No. 1000 cost allocation would be excluded from the region’s planning process entirely.” (quoting *Pub. Serv. Co. of Colo.*, Motion for Leave to Answer and Answer of the WestConnect Jurisdictional Utilities, Docket No. ER13–75–003 et al., at 13–14 (filed Nov. 8, 2013))).

⁵⁵ *Id.* at 7 (quoting *Pub. Serv. Co. of Colo.*, 189 FERC ¶ 61,028, at P 6 (2024) (WestConnect Remand

WestConnect CTOs also state that the Commission expressly held that Order No. 1000 “does not preclude the enrolled public utility transmission providers in a transmission planning region from conducting transmission planning for unenrolled non-public utility transmission providers if the enrolled public utility transmission providers elect to do so.”⁵⁶

WestConnect CTOs argue that this holding underpinned the development of WestConnect’s existing coordinating transmission owner framework and was not challenged or addressed in *El Paso*. On the contrary, WestConnect CTOs argue, *El Paso* does not alter—and could not have altered—Order No. 1000’s holdings, which were affirmed by the U.S. Court of Appeals for the D.C. Circuit (D.C. Circuit).⁵⁷

17. WestConnect CTOs argue that the Commission’s prohibition on transmission providers planning for the needs of unenrolled non-jurisdictional transmission providers fails to acknowledge, explain, or consider WestConnect CTOs’ substantial reliance interest in the Commission’s prior approval of the coordinating transmission owner framework.⁵⁸

18. WestConnect CTOs further note that, in Order No. 1000, the Commission required that the scope of a transmission planning region “be governed by the integrated nature of the regional power grid.”⁵⁹ WestConnect CTOs allege that the Commission stated that without the participation of non-jurisdictional transmission providers interspersed throughout the WestConnect transmission planning region that make up half of its membership, WestConnect would be like “swiss cheese.”⁶⁰ WestConnect CTOs state that one of the reasons coordinating transmission owners supported WestConnect’s coordinating transmission owner framework was the institutional difficulties non-jurisdictional transmission providers face in agreeing to enrollment rather than case-by-case acceptance of cost allocation for

Order), *order on reh’g*, 190 FERC ¶ 61,128 (2025) (Remand Rehearing Order)).

⁵⁶ *Id.* at 7–8 (quoting *Pub. Serv. Co. of Colo.*, 148 FERC ¶ 61,213 at P 55).

⁵⁷ *Id.* at 8 (citing *South Carolina*, 762 F.3d 41).

⁵⁸ *Id.* (citing *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009); *Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 30 (2020)).

⁵⁹ *Id.* (citing WestConnect Remand Order, 189 FERC ¶ 61,028 at P 23 & n.49).

⁶⁰ *Id.* at 8–9 (citing *Pub. Serv. Co. of Colo.*, 142 FERC ¶ 61,206, at P 349 (2013), *order on reh’g*, 148 FERC ¶ 61,213, *order on reh’g*, 151 FERC ¶ 61,128, *vacated & remanded*, *El Paso Elec. Co. v. FERC*, 832 F.3d 495). The order that WestConnect CTOs cite does not contain this statement.

regional transmission projects.⁶¹ WestConnect CTOs argue that Order No. 1920–A does not acknowledge or explain how transmission providers barred from joint regional transmission planning with unenrolled non-jurisdictional transmission providers can meet Order No. 1000’s integration requirement in a transmission planning region like WestConnect.⁶²

19. WestConnect CTOs state that while the Commission found in its order on remand from *El Paso* that WestConnect remains an integrated transmission planning region even without participation of coordinating transmission owners, the Commission does not incorporate or reference that finding in Order No. 1920–A.⁶³ Nevertheless, WestConnect CTOs object to the Commission’s determination in its order on remand from *El Paso* regarding the continued integration of the WestConnect transmission planning region.⁶⁴

20. WestConnect CTOs assert that the ban on use of a coordinating transmission owner framework would all but ensure the failure of regional transmission planning in WestConnect, contrary to the objectives of Order Nos. 1000 and 1920. WestConnect CTOs contend that the Commission’s failure to acknowledge its departure from existing policy or explain how a mandatory enrollment requirement would be consistent with Order No. 1000’s integration requirement was arbitrary.⁶⁵

3. Commission Determination

21. We agree with rehearing petitioners that Order No. 1920–A does not modify the requirements of Order No. 1000 with respect to planning for the needs of unenrolled non-jurisdictional transmission providers.⁶⁶ Although Order No. 1000 does not require a coordinating transmission owner framework, Order No. 1000 and *El Paso* do not explicitly foreclose the possibility that a voluntary arrangement for regional transmission planning and cost allocation that includes unenrolled non-jurisdictional transmission providers could comply with the FPA’s mandate for just and reasonable rates and the Commission’s cost causation

⁶¹ *Id.* at 9.

⁶² *Id.*

⁶³ *Id.* at 9 n.17 (citing WestConnect Remand Order, 189 FERC ¶ 61,028 at P 23).

⁶⁴ *Id.* (quoting *Pub. Serv. Co. of Colo.*, WestConnect CTOs Request for Clarification, Docket No. ER13–75–013, et al. (filed Nov. 18, 2024) (internal quotations omitted)).

⁶⁵ *Id.* at 9 (citing *FCC v. Fox Television Stations, Inc.*, 556 U.S. at 515).

⁶⁶ *See* NRECA Rehearing Request at 3, 17; WestConnect CTOs Rehearing Request at 8.

precedent.⁶⁷ Accordingly, we clarify the Commission's statement in Order No. 1920—A that transmission providers may *not* plan for the needs of a non-jurisdictional transmission provider if that non-jurisdictional transmission provider has not enrolled in the transmission planning region and thereby has not agreed to any cost allocation method applicable to selected Long-Term Regional Transmission Facilities.⁶⁸ Specifically, we agree with NRECA that transmission providers are not *required* to plan for the Long-Term Transmission Needs of unenrolled non-jurisdictional transmission providers.⁶⁹ In *El Paso*, the U.S. Court of Appeals for the Fifth Circuit held that the Commission's orders accepting WestConnect's coordinating transmission owner framework were incompatible with the FPA and with the application of the cost causation principle in Order No. 1000 because they permitted non-public utility transmission providers to cause transmission costs to be incurred through the WestConnect regional transmission planning process without bearing cost responsibility.⁷⁰ The Commission will evaluate any voluntary arrangement for regional transmission planning and cost allocation that includes unenrolled non-jurisdictional transmission providers if and when it comes before the Commission, and that is unaffected by Order No. 1920—A. We emphasize that any transmission provider proposing to include unenrolled non-jurisdictional transmission providers in regional transmission planning and cost allocation, including Long-Term Regional Transmission Planning, must demonstrate that its proposed arrangement will not result in free ridership in violation of the cost causation principle and otherwise complies with the requirements of

Order No. 1000, Order No. 1920, *El Paso*, and the FPA.⁷¹

22. To the extent that WestConnect CTOs request that the Commission address in this order the appropriate geographic scope of the WestConnect transmission planning region or any other transmission planning region,⁷² we decline to address such a request here because it is outside the scope of this proceeding.⁷³ We further note that the Commission responded to these concerns in the Remand Rehearing Order and continued to find that the WestConnect transmission planning region complies with Order No. 1000's requirement that the scope of a transmission planning region should be governed by the integrated nature of the regional power grid.⁷⁴

III. Regional Transmission Cost Allocation

A. Requirements Concerning Relevant State Entities' Agreed-Upon Cost Allocation Methods

1. Order Nos. 1920 and 1920—A

a. Inclusion in Transmission Providers' Compliance Filings of Relevant State Entities' Agreed-Upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process

23. In Order No. 1920, the Commission: (1) required transmission providers in each transmission planning region to revise their OATTs to include one or more Long-Term Regional Transmission Cost Allocation Method(s) for Long-Term Regional Transmission Facilities that are selected; and (2) permitted transmission providers to additionally revise their OATTs to include a State Agreement Process, if Relevant State Entities indicate that they have agreed to such a process.⁷⁵

⁶⁷ *Id.* at 361–62; WestConnect Remand Order, 189 FERC ¶ 61,028 at PP 15–17.

⁶⁸ See WestConnect CTOs Rehearing Request at 9 n.17.

⁶⁹ The Commission has declined to evaluate the appropriate geographic scope of any particular transmission planning region in our transmission planning rules. See Order No. 1000, 136 FERC ¶ 61,051 at P 160; Order No. 890, 118 FERC ¶ 61,119 at P 527. Instead, it is Commission practice to evaluate the proper scope of transmission planning regions in individual compliance or FPA section 205 proceedings. See, e.g., *Sw. Power Pool, Inc.*, 144 FERC ¶ 61,059, at P 31 (2013); *Louisville Gas & Elec. Co.*, 144 FERC ¶ 61,054, at PP 28, 30 (2013), *order on reh'g*, *Duke Energy Carolinas, LLC*, 147 FERC ¶ 61,241, at PP 46, 48 (2014); *Me. Pub. Serv. Co.*, 142 FERC ¶ 61,129, at P 21 (2013); *S. Co. Servs., Inc.*, 124 FERC ¶ 61,265, at P 71 (2008). See also *PacificCorp*, 170 FERC ¶ 61,298, at P 29 (2020) (evaluating scope of transmission planning region proposed pursuant to FPA section 205).

⁷⁰ See Remand Rehearing Order, 190 FERC ¶ 61,128 at PP 30–32.

⁷¹ Order No. 1920, 187 FERC ¶ 61,068 at P 1291.

24. The Commission also established in Order No. 1920 a six-month Engagement Period, during which transmission providers must, among other things, provide a forum for the negotiation of a Long-Term Regional Transmission Cost Allocation Method(s) and/or a State Agreement Process that enables meaningful participation by Relevant State Entities, and the Commission required transmission providers to explain on compliance how they complied with the six-month Engagement Period requirements.⁷⁶ The Commission found that, if the Relevant State Entities participating in an Engagement Period agree on a Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process and provide that Method(s) and/or State Agreement Process to the transmission providers no later than the deadline for communicating agreement,⁷⁷ the transmission providers may file the agreed-to Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process on compliance. The Commission noted, however, that the ultimate decision as to whether to file a Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process to which Relevant State Entities have agreed will continue to lie with the transmission providers.⁷⁸ The Commission did not impose any obligation on transmission providers to file a cost allocation method for Long-Term Regional Transmission Facilities with which they disagree, even if such a method were proposed to the transmission providers pursuant to a Commission-approved State Agreement Process, unless the transmission providers have clearly indicated their assent to do so as part of a Commission-approved State Agreement Process in their OATT.⁷⁹

25. In Order No. 1920—A, the Commission set aside Order No. 1920, in part, and required that, when Relevant State Entities notify transmission providers by the deadline for communicating agreement that they agree on a Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process

⁷⁶ *Id.* PP 1354, 1357.

⁷⁷ Order No. 1920 requires that transmission providers in each transmission planning region provide notice, such as on their OASIS or other public website, of the deadline for Relevant State Entities to communicate their agreement on a Long-Term Regional Transmission Cost Allocation Method(s) and/or a State Agreement Process, and this deadline must be no earlier than the end date of the Engagement Period. *Id.* P 1356.

⁷⁸ *Id.* PP 1359, 1363.

⁷⁹ *Id.* P 1429.

⁶⁷ See Remand Rehearing Order, 190 FERC ¶ 61,128 at P 28.

⁶⁸ Order No. 1920—A, 189 FERC ¶ 61,068 at P 323. We find moot WestConnect CTOs' arguments that the relevant language in Order No. 1920—A violates the Commission's obligations under FPA section 202(a) and the objectives of Order No. 1000 as well as NRECA's argument that this language conflicts with other statements in Order No. 1920—A. See WestConnect CTOs Rehearing Request at 4–5, 9; NRECA Rehearing Request at 16–17. Our clarification of Order No. 1920—A in relevant part resolves these claims.

⁶⁹ See Order No. 1000—A, 139 FERC ¶ 61,132 at P 276 (“[T]he regional transmission planning process is not required to plan for the transmission needs of such a non-public utility transmission provider that has not made the choice to join a transmission planning region.”); see also *El Paso*, 76 F.4th at 362–63 (quoting the same).

⁷⁰ *El Paso*, 76 F.4th at 365–66; *id.* at 363 (discussing cost causation concerns).

resulting from the Engagement Period, the transmission providers must include that method or process in the transmittal or as an attachment to their compliance filing, even if the transmission providers propose a different Long-Term Regional Transmission Cost Allocation Method or do not propose to adopt a State Agreement Process.⁸⁰ The Commission further directed transmission providers to include in the transmittal or as an attachment to their compliance filings any information that Relevant State Entities provide to them regarding the state negotiations during the Engagement Period.⁸¹ As part of this requirement, the Commission clarified that transmission providers must include any and all supporting evidence and/or justification related to Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process that Relevant State Entities request that transmission providers include in their compliance filing.⁸²

26. The Commission found that the additional requirements adopted in Order No. 1920–A will allow the Commission to better evaluate whether transmission providers have complied with Order No. 1920's requirement to provide a forum for negotiation that enables meaningful participation by Relevant State Entities during the Engagement Period.⁸³ The Commission recognized that it is critical to the success of the Long-Term Regional Transmission Planning reforms that states have an opportunity to have a significant role in the establishment of just and reasonable Long-Term Regional Transmission Cost Allocation Methods

and State Agreement Processes.⁸⁴ The Commission found that Order No. 1920, as modified in Order No. 1920–A, strikes a reasonable balance between, on the one hand, recognizing the rights and responsibilities of the Commission and transmission providers over regional transmission planning and, on the other, the states' critical interests in the resulting Long-Term Regional Transmission Facilities and how the costs associated with those facilities will be allocated.⁸⁵

27. Furthermore, noting that it was directing these facilitation and informational requirements on compliance pursuant to the Commission's authority under FPA section 206, the Commission found that these reforms do not implicate or infringe upon transmission providers' filing rights under FPA section 205.⁸⁶ The Commission reiterated its determination in Order No. 1920 that existing regional transmission planning and cost allocation requirements are unjust, unreasonable, and unduly discriminatory or preferential under FPA section 206,⁸⁷ and that the Commission therefore has both the authority and responsibility to “determine the just and reasonable . . . practice . . . to be thereafter observed and in force,” consistent with the Commission's findings in Order No. 1920.⁸⁸ The Commission explained that, pursuant to its authority under FPA section 206, the Commission required transmission providers to submit on compliance an *ex ante* cost allocation method. The Commission further explained that this compliance filing, submitted pursuant to FPA section 206, is not an FPA section 205 filing⁸⁹ and is thus distinct from any FPA section 205 filing that a transmission provider might file in the future following compliance to propose a change to its cost allocation method(s) for Long-Term Regional Transmission Facilities.⁹⁰

b. Commission Consideration of Relevant State Entities' Agreed-Upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Processes

28. In Order No. 1920–A, the Commission noted that, when acting under FPA section 206, the Commission's statutory burden is to “establish a just and reasonable and not unduly discriminatory replacement rate that is supported by substantial evidence.”⁹¹ The Commission further noted that the statute does not necessarily require the Commission to adopt the transmission provider's proposal on compliance, even if that proposal complies with the final rule's requirements. Rather, the Commission need only select a replacement rate that complies with the final rule and that is adequately supported in the record, and then intelligibly explain the reasons for its choice.⁹²

29. The Commission recognized that, while it generally does not consider alternate compliance proposals other than those filed by the relevant public utility,⁹³ there are “good reasons” for considering such alternatives with respect to cost allocation under Order No. 1920.⁹⁴ The Commission explained that states play a unique role in Long-Term Regional Transmission Planning, as their laws, regulations, and policies drive the need for Long-Term Regional Transmission Facilities, and they typically will have responsibility to consider and approve the siting, permitting, and construction of Long-Term Regional Transmission Facilities selected in a regional transmission plan. As such, states affect whether Long-Term Regional Transmission Facilities are timely, efficiently, and cost-effectively developed such that customers actually receive the benefits associated with the selection of more efficient or cost-effective transmission solutions.⁹⁵ The Commission further found that given the inherent uncertainty involved in planning to

⁸⁰ Order No. 1920–A, 189 FERC ¶ 61,126 at P 651. The Commission clarified that, under this approach, the transmission providers decide what to submit as their actual Order No. 1920 compliance proposal, including relevant tariff language and supporting evidence or arguments, whether they decide to propose the Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process or a different Long-Term Regional Transmission Cost Allocation Method. The requirement to include Relevant State Entities' Long-Term Regional Transmission Cost Allocation Method and/or State Agreement Process as an addition to the compliance filing does not constitute a “proposal” from the transmission provider. *Id.* P 654 n.1651.

⁸¹ *Id.* P 651.

⁸² *Id.* P 655. However, the Commission declined to require transmission providers to independently characterize this information. For example, the Commission did not require transmission providers to separately characterize Relevant State Entities' agreement or independently justify Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process. *Id.*

⁸³ *Id.* P 657 (citing Order No. 1920, 187 FERC ¶ 61,068 at P 1357).

⁸⁴ *Id.* P 649 (citing Order No. 1920, 187 FERC ¶ 61,068 at P 1415).

⁸⁵ *Id.* P 660.

⁸⁶ *Id.* P 657.

⁸⁷ See *id.* at P 652 (citing Order No. 1920, 187 FERC ¶ 61,068 at PP 113–114).

⁸⁸ *Id.* (quoting 16 U.S.C. 824e(a)).

⁸⁹ *Id.* (citing *ISO New England Inc.*, 165 FERC ¶ 61,202 (2018), *order on reh'g*, 173 FERC ¶ 61,204, at P 8 (2020)).

⁹⁰ *Id.* (citing Order No. 1920, 187 FERC ¶ 61,068 at P 1430).

⁹¹ *Id.* P 658 (emphasis in original) (citing 16 U.S.C. 824e; 16 U.S.C. 825(b)).

⁹² *Id.* (citing *Entergy Ark., LLC v. FERC*, 40 F.4th 689, 701–02 (D.C. Cir. 2022) (*Entergy*) (noting that the Commission “is not required to choose the best solution, only a reasonable one” (first quoting *Petal Gas Storage, LLC v. FERC*, 496 F.3d 695, 703 (D.C. Cir. 2007); and then quoting *FERC v. Elec. Power Supply Ass'n*, 577 U.S. 260, 295 (2016) (*EPSA*))).

⁹³ *Id.* P 659 (citing *PJM Interconnection, L.L.C.*, 173 FERC ¶ 61,134, at P 117 n.175 (2020); *PJM Interconnection, L.L.C.*, 119 FERC ¶ 61,318, at P 115 (2007); *ANR Pipeline Co.*, 110 FERC ¶ 61,069, at P 49 (2005)).

⁹⁴ *Id.* (quoting *FCC v. Fox Television Stations, Inc.*, 556 U.S. at 515).

⁹⁵ *Id.* (citing Order No. 1920, 187 FERC ¶ 61,068 at PP 124, 126, 268, 1293, 1362–1364, 1404, 1407, 1410–1411, 1415, 1477, 1515).

meet Long-Term Transmission Needs, state-developed cost allocation methods and State Agreement Processes take on heightened importance.⁹⁶ The Commission explained that this means that it will consider the entire record—including the Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process and the transmission provider's proposal—when setting the replacement rate. Specifically, the Commission found that it is not required to accept a cost allocation proposal from a transmission provider on compliance simply because it may comply with Order No. 1920 but may adopt any cost allocation method proposed by the Relevant State Entities and submitted on compliance so long as it complies with Order No. 1920.⁹⁷

2. Challenges to Order No. 1920–A

a. Statutory Filing Rights Under the FPA

i. Rehearing Requests

30. Several of the rehearing requests argue that Order No. 1920–A unlawfully impinges on transmission providers' FPA section 205 filing rights by requiring transmission providers to include, in their transmittal or as an attachment to their compliance filings, Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process.⁹⁸ Multiple rehearing petitioners assert that this requirement in Order No. 1920–A is inconsistent with the division of authority set forth in the FPA, which provides public utilities with unilateral and exclusive FPA section 205 filing rights to propose rates, terms, and conditions of service, and provides the Commission with the authority to modify existing rates under FPA section 206 after finding that the existing rate is unjust, unreasonable, or unduly discriminatory or preferential.⁹⁹

⁹⁶ *Id.* (citing Order No. 1920, 187 FERC ¶ 61,068 at P 227).

⁹⁷ *Id.*

⁹⁸ *See, e.g.*, SPP TOs Rehearing Request at 7, 12–15 (alternately describing Order No. 1920–A as requiring transmission providers to include Relevant State Entities' preferred Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their compliance filings, or as granting “preferential filing privileges” to Relevant State Entities); Indicated PJM TOs Rehearing Request at 6 (describing Order No. 1920–A as “granting filing rights” to Relevant State Entities); MISO TOs Rehearing Request at 20 (describing Order No. 1920–A a “giv[ing] filing rights to Relevant State Entities”).

⁹⁹ *See, e.g.*, MISO TOs Rehearing Request at 5–7 (arguing that Order No. 1920–A disrupts the balance between the filing rights afforded to public utilities under FPA section 205 versus those afforded to the Commission under FPA section 206); *id.* at 7–8; SPP TOs Rehearing Request at 3;

31. Rehearing petitioners contend that requiring transmission providers to include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in transmission providers' compliance filings unlawfully conditions or encumbers transmission providers' FPA section 205 filing rights. MISO TOs state that this requirement disrupts the balance set by FPA sections 205 and 206—allowing FPA section 206 to usurp FPA section 205—and encroaches on transmission providers' FPA section 205 filing rights.¹⁰⁰ MISO TOs and SPP TOs argue that states may not force public utilities to make FPA section 205 filings or require them to relinquish their filing rights to other entities.¹⁰¹ Indicated PJM TOs assert that this requirement “effectively forces utilities to cede their filing rights to others, contravening the statutory directive by Congress in [FPA] section 205 that grants utilities the exclusive right to propose their rates and terms of service.”¹⁰²

32. Some rehearing petitioners assert that the Commission misconstrues the structure of FPA sections 205 and 206, and particularly the rights afforded to public utilities under FPA section 205. For instance, they argue that FPA section 205 is intended for the benefit of the public utility, granting it the proactive right to initiate rate changes, in contrast to the passive role played by the Commission under that

id. at 4–5 (“The FPA’s distinction between section 205 and 206 filing rights is well-established and binding on the Commission.”); EEI Rehearing Request at 7–8; WIRES Rehearing Request at 7–8, 10–11; Indicated PJM TOs Rehearing Request at 3–4.

¹⁰⁰ *See, e.g.*, MISO TOs Rehearing Request at 6–7; *id.* at 10–11; (“[T]he Commission uses its FPA section 206 authority to mandate a broad encroachment on transmission providers’ FPA section 205 filing rights. Given this encumbrance, transmission providers will be unable to exercise the full breadth of their FPA section 205 rights.”); *id.* at 24–27 (arguing also that even if FPA sections 205 and 206 are ambiguous as to whether the Commission has this authority, a reviewing court will no longer afford the Commission’s interpretation deference).

¹⁰¹ *Id.* at 18 (citing *Mass. Dep’t of Pub. Utils v. FERC*, 729 F.2d 886, 886–87 (1st Cir. 1984) (*Massachusetts Department of Public Utilities*)); SPP TOs Rehearing Request at 4–5 (asserting that “states may not force public utilities to make section 205 filings”); *see also id.* at 5–6 (arguing that circumstances in which public utilities voluntarily cede statutory filing rights to others are distinct from those in which the Commission attempts to encroach on those rights).

¹⁰² Indicated PJM TOs Rehearing Request at 2; *id.* at 10–11. *See also* EEI Rehearing Request at 6–8 (arguing that this requires utilities to file cost allocation methods they are opposed to and that the Commission did not identify text in the FPA authorizing this approach); WIRES Rehearing Request at 2, 15 (same).

provision.¹⁰³ Rehearing petitioners also assert that the FPA section 205 rights of public utilities to initiate rate changes are exclusive and unilateral.¹⁰⁴ Rehearing petitioners further contend that public utilities are the entities entitled to submit filings under FPA section 205 to set their rates and initiate rate changes.¹⁰⁵

33. In addition, petitioners cite precedent that, they contend, reflects the fact that the Commission cannot diminish public utilities' FPA section 205 filing rights and, therefore, Order No. 1920–A's requirement for transmission providers to submit Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process with their compliance filings is unlawful. Many of the rehearing requests argue that the requirement to include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in transmission providers' compliance filings is contrary to *Atlantic City Electric Co. v. FERC*.¹⁰⁶ They assert that *Atlantic City I* holds that public utilities—and only public utilities—have FPA section 205 filing rights to propose rate changes and that public utilities cannot be involuntarily divested of those rights as a result of an FPA section 206 compliance directive.¹⁰⁷ Several rehearing

¹⁰³ *See, e.g.*, MISO TOs Rehearing Request at 5–6 (citing *Emera Me. v. FERC*, 854 F.3d 9, 24 (D.C. Cir. 2017) (*Emera Maine*)); *id.* at 8–9, 11, 20, 25; Indicated PJM TOs Rehearing Request at 3–4, 19 n.69; *see also* SPP TOs Rehearing Request at 3.

¹⁰⁴ *See, e.g.*, Indicated PJM TOs Rehearing Request at 2–3, 10, 16; MISO TOs Rehearing Request at 5, 8, 12–15; SPP TOs Rehearing Request at 5; EEI Rehearing Request at 6–8, 12–13; WIRES Rehearing Request at 6.

¹⁰⁵ *See, e.g.*, WIRES Rehearing Request at 6, 8; EEI Rehearing Request at 10–11, 11 n.34; SPP TOs Rehearing Request at 9, 16 n.43, 19, 21; Indicated PJM TOs Rehearing Request at 7.

¹⁰⁶ 295 F.3d 1 (D.C. Cir. 2002) (*Atlantic City I*); *see also Atl. City Elec. Co. v. FERC*, 329 F.3d 856 (D.C. Cir. 2003) (*Atlantic City II*) (granting a petition for review seeking to enforce the mandate of *Atlantic City I* in response to the Commission's order on remand after *Atlantic City I*).

¹⁰⁷ *See* MISO TOs Rehearing Request at 11–15 (discussing *Atlantic City I* and *Atlantic City II*, and asserting that these cases “stand as foundational determinations about the lawful statutory framework created by Congress vesting certain rights in public utilities under FPA section 205 and other rights in the Commission under section 206, and denying the Commission authority to overextend its authority under FPA section 206 when directing public utilities on compliance”); Indicated PJM TOs Rehearing Request at 2, 6, 11–12 (arguing that the requirement to include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in the transmittal or as an attachment to transmission providers' compliance filing forces transmission providers to

Continued

petitioners point to other decisions that, they contend, rejected attempts by the Commission to limit or compromise public utilities' (or, in the parallel context of the Natural Gas Act (NGA),¹⁰⁸ natural-gas companies') statutory authority to file rates.¹⁰⁹ A number of the rehearing requests also rely on *Massachusetts Department of Public Utilities*,¹¹⁰ asserting that "states may not force public utilities to make section 205 filings" or require utilities to submit "regulator-compelled" utility-proposed changes."¹¹¹

34. MISO TOs assert that Order No. 1920–A contravenes restrictions on the Commission's FPA section 206 authority because, by requiring attachment of Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process to transmission providers' compliance filings, it requires transmission providers to relinquish their right to file rate changes under FPA section 205 to Relevant State Entities.¹¹² MISO TOs argue that the Commission in Order No. 1920 acknowledged that it could not encumber these filing rights by initially allowing transmission providers to determine which Long-Term Regional Transmission Cost Allocation Method(s) to file as part of their compliance

cede their exclusive rights to Relevant State Entities and grants Relevant State Entities rights not provided by the FPA); SPP TOs Rehearing Request at 4–5, 9, 11–16; EEI Rehearing Request at 8–9 ("The precedent in *Atlantic City II*, is clear—the Commission cannot condition or encumber a utility's right under FPA section 205 to initiate rate changes, even as a result of an FPA section 206 compliance directive."); WIRES Rehearing Request at 5–6, 8, 10.

¹⁰⁸ 15 U.S.C. 717, *et seq.*

¹⁰⁹ See, e.g., SPP TOs Rehearing Request at 5 (citing *NRG Power Mktg., LLC v. FERC*, 862 F.3d 108 (D.C. Cir. 2017) (*NRG Power Mktg.*); *Pub. Serv. Comm'n of N.Y. v. FERC*, 866 F.2d 487, 488–89 (D.C. Cir. 1989) (*NYPSC*); *W. Res., Inc. v. FERC*, 9 F.3d 1568, 1578 (D.C. Cir. 1993) (*Western Resources*); *Consumers Energy Co. v. FERC*, 226 F.3d 777, 780 (6th Cir. 2000); *Louisiana v. FPC*, 503 F.2d 844, 861 (5th Cir. 1974)); MISO TOs Rehearing Request at 9, 16 (citing *NRG Power Mktg.*, 862 F.3d 108; *Emera Maine*, 854 F.3d 9; *PJM Power Providers Grp. v. FERC*, 88 F.4th 250, 270 n.122 (3d Cir. 2023)).

¹¹⁰ 729 F.2d at 888.

¹¹¹ SPP TOs Rehearing Request at 4–5; EEI Rehearing Request at 8 n.27; Indicated PJM TOs Rehearing Request at 6, 10; see also MISO TOs Rehearing Request at 9, 18, 25.

¹¹² MISO TOs Rehearing Request at 16–19 (arguing that this effectively forces transmission providers to make FPA section 205 filings that are not their own; also characterizing this as involuntarily transferring to Relevant State Entities the right to make FPA section 205 filings to make rate changes (citing *Atlantic City I*, 295 F.3d at 9–11; *Atlantic City II*, 329 F.3d at 858–59; *NRG Power Mktg.*, 862 F.3d at 114; *PJM Power Providers Grp.*, 88 F.4th at 270 n.122; *Emera Maine*, 854 F.3d at 24)).

filings.¹¹³ Indicated PJM TOs assert that FPA section 206 "does not authorize the Commission to provide [Relevant State Entities] with the statutory authority reserved solely to public utilities, nor does it authorize the Commission to require public utilities to cede those rights to [Relevant State Entities] by forcing them to submit proposals and materials prepared by those [Relevant State Entities] that the public utilities do not support."¹¹⁴ EEI argues that, "[b]y requiring the public utilities to file the Relevant State Entities' proposals, the Commission is requiring those public utilities to cede their statutory rights to make filings under the FPA to the Relevant State Entities and to provide those entities with statutory rights that Congress did not intend them to have."¹¹⁵ SPP TOs argue that Order No. 1920–A gives "preferential filing privileges to states that the FPA does not authorize the Commission to grant," and thereby diminishes the FPA section 205 filing rights of public utilities.¹¹⁶ WIRES states that the Commission does not have statutory authority to require a public utility to file another entity's rate proposal, and that Order No. 1920–A does not reflect a "mere change in the filing process" but rather a substantive change that the Commission is not authorized to make.¹¹⁷ WIRES further argues that Order No. 1920–A effectively elevates states to the equivalent of public utilities in requiring that their proposals be included in the compliance filing,

¹¹³ See *id.* at 16–17 (noting that, under Order No. 1920, filing a Relevant State Entity's proposed Long-Term Regional Transmission Cost Allocation Method was voluntary).

¹¹⁴ Indicated PJM TOs Rehearing Request at 11–12 (citing 16 U.S.C. 824d; *Atlantic City I*, 295 F.2d at 9–11; *Massachusetts Department of Public Utilities*, 729 F.2d at 888).

¹¹⁵ EEI Rehearing Request at 8 (citing *Atlantic City II*, 329 F.3d at 858–59) (arguing that the Commission "acknowledges this when it concedes that it generally does not consider alternate compliance proposals other than those filed by the relevant public utility" (quotation marks omitted)); see *id.* at 9–12 (arguing that under the FPA the Commission may not, in setting a replacement rate, divest public utilities of their filing rights and give them to Relevant State Entities).

¹¹⁶ SPP TOs Rehearing Request at 13; see *id.* at 14 ("The FPA does not contemplate any party, including states, being allowed to make compliance filings on a regulated public utility's behalf. Nor does it authorize third parties to somehow join or commandeer a public utility's compliance filing."); *id.* at 17 ("The fact that states are unable to file cost allocation methods themselves and must instead either comment on transmission providers' proposals or file section 206 complaints is exactly what the FPA requires." (quotation marks omitted)).

¹¹⁷ WIRES Rehearing Request at 11–12; *id.* at 13 ("[B]y requiring a transmission provider to include in its compliance filing a state-agreed upon method or process, the transmission provider is forced to share its statutory filing rights with another entity under a just and reasonable standard.").

which will be assessed under the same just and reasonable standard articulated in FPA section 205.¹¹⁸

35. Many rehearing petitioners also contest the Commission's explanation for why this compliance filing requirement was statutorily permissible. MISO TOs assert that the Commission's explanation that a Relevant State Entity's proposed method or process does not constitute a "proposal" is an "empty formalism with no grounding in the statutory text" that does not change the impact of the requirement on transmission providers' FPA section 205 filing rights.¹¹⁹ WIRES similarly argues that, despite this clarification and the fact that transmission providers are not required to characterize or justify the Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process,¹²⁰ the compliance requirement remains unlawful because neither states nor Relevant State Entities are public utilities entitled to make FPA section 205 filings.¹²¹

36. MISO TOs argue that the Commission's distinction between FPA section 205 filings and compliance filings under FPA section 206 is a "hollow explanation" that does not allow the Commission to give filing rights to Relevant State Entities in violation of the FPA or require public utilities to cede their filing rights under FPA section 205.¹²² SPP TOs acknowledge that Commission precedent distinguishes between FPA section 205 filings and compliance filings under FPA section 206,¹²³ but

¹¹⁸ See *id.* at 13–14 (arguing that the Commission has not previously taken the approach set forth in Order No. 1920–A and that, as the Commission recognizes, transmission planning is the tariff obligation of transmission providers); see also *id.* at 10–11 ("Procedurally, the public utility's obligation under compliance is the same as that under FPA section 205, i.e., the public utility must submit a just and reasonable rate."); *id.* at 15–16 ("Whether a filing is submitted under FPA section 205 or 206, the public utility's filing is equally subject to a just and reasonable standard, as both statutory provisions ultimately rely on the same standard."); cf. SPP TOs Rehearing Request at 30 (claiming that "[t]he Commission failed to acknowledge that it was changing policy when it decided to afford public utility and state proposals equal status when the Commission's previous approach was to favor compliance proposals by the regulated entities that were the actual subject of compliance mandates").

¹¹⁹ MISO TOs Rehearing Request at 19 (quoting Order No. 1920–A, 189 FERC ¶ 61,126 at P 654 n.1651).

¹²⁰ WIRES Rehearing Request at 13 (quoting Order No. 1920–A, 189 FERC ¶ 61,126 at PP 654 n.1651, 655).

¹²¹ See *id.*

¹²² MISO TOs Rehearing Request at 19–20.

¹²³ SPP TOs Rehearing Request at 3–4 (citing *N.Y. Indep. Sys. Operator, Inc.*, 131 FERC ¶ 61,242, at P 32 (2010); *PJM Interconnection, L.L.C.*, 85 FERC ¶ 61,111, at 61,413 (1998); *PJM Interconnection, L.L.C.*, 142 FERC ¶ 61,214, at PP 5–7, 21 (2013)).

still contend that Order No. 1920–A’s mandates are unlawful because they are forced encroachments on public utility filing rights under the FPA, which may only be relinquished voluntarily.¹²⁴ EEI also recognizes that a compliance filing under FPA section 206 is not a change initiated by a public utility but rather one directed by the Commission,¹²⁵ but asserts that, even if the Commission were to act pursuant to FPA section 206 or via rulemaking, whatever rate or regulation the Commission establishes may not usurp the rights of public utilities to file proposed rates.¹²⁶

37. SPP TOs argue that the Commission has rejected attempts to use compliance filings to bypass the FPA’s filing requirements and circumvent FPA notice requirements, and that the Commission has recognized that it could not circumvent these requirements even by invoking FPA section 309.¹²⁷ They contend that the Commission’s approach could lead it to improperly “bypass” FPA sections 205 and 206 in future cases, e.g., in complaint proceedings, by authorizing “favored parties to include their preferred alternative remedies in other parties’ compliance filings without first having to make the first step showings under FPA section 206 that are normally required of complainants or protestors.”¹²⁸ SPP TOs claim that Order No. 1920–A’s attempt to weaken FPA sections 205 and 206’s statutory constraints wrongly attempts to resolve a “major question” under the statute in ways that Congress did not authorize and could not have foreseen.¹²⁹

38. Indicated PJM TOs argue that Order No. 1920–A’s requirement to include Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in transmission providers’ compliance filings intrudes into the decision making processes of public utilities as to whether to submit

a filing under FPA section 205.¹³⁰ Indicated PJM TOs state that these are “internal decisions by the public utility determined by its governing authority” that are beyond the Commission’s authority to regulate and contrary to the “passive role” assigned to the Commission under FPA section 205.¹³¹ They assert that this requirement is a “direct intervention into a public utility’s decision regarding what to file even before the filing is made” and not a “practice affecting a rate” subject to Commission regulation.¹³² Indicated PJM TOs further assert that Commission precedent addressing RTO/ISO governance is not relevant, as the two cases addressing participation in the bodies that vote on rate proposals were decided prior to the Supreme Court’s decision in *Loper Bright Enterprises v. Raimondo*, did not “advanc[e] to judicial review,” and did not “address[] the D.C. Circuit’s decision in *CAISO*.”¹³³

39. EEI, SPP TOs, and WIRES assert that there are other avenues for parties to be heard with respect to cost allocation, such that infringing on transmission providers’ FPA section 205 rights is not necessary or justified. EEI argues that parties may file protests to a transmission provider’s compliance filing if they wish to advocate for an alternative approach.¹³⁴ SPP TOs argue that, because states are not authorized to file cost allocation proposals, they are limited to commenting on or protesting transmission providers’ proposals or filing FPA section 206 complaints.¹³⁵ WIRES argues that there are ways of evaluating whether transmission providers have provided state regulators with a formal opportunity to develop a Long-Term Regional Transmission Cost Allocation Method other than compelling transmission providers to

include Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their compliance filing, but that Order No. 1920–A adopts an adversarial approach of dueling compliance proposals.¹³⁶

40. MISO TOs assert that, under Order No. 1920–A, the Commission is particularly likely to accept Relevant State Entities’ Long-Term Regional Transmission Cost Allocation Methods rather than transmission providers proposals because they assert that Order No. 1920–A provides that Relevant State Entities’ proposals “will be afforded heightened preference over transmission providers’ own proposals.”¹³⁷ MISO TOs argue that accepting Relevant State Entities’ cost allocation method over the transmission provider’s proposed cost allocation method would “subvert[] future FPA section 205 filings related to that rate scheme in a manner that disfavors the transmission provider’s FPA section 205 proposals.”¹³⁸

41. Indicated PJM TOs and SPP TOs argue that, in claiming that the Commission need not accept a transmission provider’s proposal on compliance even if the proposal complies with the final rule’s requirements, the Commission’s reliance on *Entergy Arkansas, LLC v. FERC* is misplaced.¹³⁹ They contend that *Entergy* is inapposite because the Commission there rejected MISO’s compliance filing before selecting a different replacement rate.¹⁴⁰ SPP TOs argue that the Commission can accept a proposed replacement rate from a third party (including Relevant State Entities) only after finding that the transmission provider’s compliance filing does not comport with the Commission’s directives.¹⁴¹

42. Indicated PJM TOs assert that the preference the Commission has articulated in its precedent for accepting public utilities’ compliant, just and reasonable proposals rather than

¹³⁰ Indicated PJM TOs Rehearing Request at 2–3, 6–7, 12–15.

¹³¹ *Id.* at 12–15 (also arguing that under *EPSCA*, 577 U.S. 260 and *Cal. Indep. Sys. Operator Corp. v. FERC*, 372 F.3d 395, 403 (D.C. Cir. 2004) (*CAISO*), the Commission’s authority is limited to regulating practices directly affecting jurisdictional rates and does not extend to regulating how a public utility makes decisions).

¹³² *Id.* at 14 (citing *Atlantic City I*, 295 F.3d at 10).

¹³³ *Id.* at 15 (citing *PJM Interconnection, LLC*, 154 FERC ¶ 61,147, order on reh’g, 157 FERC ¶ 61,229 (2016); *New England Power Pool Participants Comm.*, 166 FERC ¶ 61,062 (2019)).

¹³⁴ EEI Rehearing Request at 9–10 (arguing that “[t]he Commission fails to explain what procedural infirmity would be created by requiring Relevant State Entities and other stakeholders to provide comments and feedback on these filings throughout the traditional regulatory process” and that the approach adopted in Order No. 1920–A could lead to confusion as to which proposal to provide feedback on); see also *id.* at 12.

¹³⁵ SPP TOs Rehearing Request at 17–18; see also *id.* at 15–16, 18–19.

¹²⁴ See *id.* at 4–5 (“Courts have firmly rebuffed various attempts to alter the FPA framework, especially when the purpose was to weaken public utilities’ ability to independently exercise their statutory filing rights.”); *id.* at 6.

¹²⁵ EEI Rehearing Request at 8–9 (citing *S. Co. Servs., Inc.*, 61 FERC ¶ 61,339, at 62,328–29 (1992), order on reh’g, 63 FERC ¶ 61,217 (1993)).

¹²⁶ *Id.* at 9 (citing *Atlantic City I*, 295 F.3d at 10–11).

¹²⁷ SPP TOs Rehearing Request at 15 (citing 16 U.S.C. 825h; *PJM Interconnection, LLC*, 178 FERC ¶ 61,083, at P 29 (2022)).

¹²⁸ *Id.* at 15 & n.39 (“The states or third parties would not have to show that the existing rates were unjust and unreasonable as they would under section 206.”).

¹²⁹ SPP TOs Rehearing Request at 17–18 (citing *Biden v. Neb.*, 143 S. Ct. 2355, 2374 (2023); *W. Va. v. EPA*, 597 U.S. 697, 724 (2022)).

¹³⁶ WIRES Rehearing Request at 14.

¹³⁷ MISO TOs Rehearing Request at 7; see *id.* at 24–25 (citing Order No. 1920–A, 189 FERC ¶ 61,126 at P 659); *id.* at 9, 33–37.

¹³⁸ *Id.* at 24–25.

¹³⁹ Indicated PJM TOs Rehearing Request at 22–23 (citing *Entergy*, 40 F.4th 701–02); SPP TOs Rehearing Request at 18–19 n.49 (same); see Order No. 1920–A, 189 FERC ¶ 61,126 at P 658 & n.1656.

¹⁴⁰ Indicated PJM TOs Rehearing Request at 22–23; SPP TOs Rehearing Request at 18–19 & n.49 (“[S]tates, like every other third party, should have to show that a public utility’s proposed replacement rate does not satisfy compliance directives before their preferred alternatives are considered.”).

¹⁴¹ SPP TOs Rehearing Request at 14–15.

competing proposals¹⁴² is, in fact, mandated by the FPA.¹⁴³ Indicated PJM TOs state that FPA sections 205 and 206 are part of a single statutory structure under which rates are initially established by the utility, such that the Commission must give preference to compliance proposals by public utilities over those by other entities.¹⁴⁴

43. Indicated PJM TOs also assert that Order No. 1920–A “did not prescribe a specific replacement rate,” instead maintaining a “light touch” and providing flexibility to transmission providers as to their compliance filings on cost allocation, and therefore “forwent its opportunity to establish a specific replacement rate pursuant to section 206.”¹⁴⁵ Indicated PJM TOs further maintain that the Commission’s approach in Order Nos. 1920 and 1920–A is inconsistent with FPA section 206, which Indicated PJM TOs state requires that the replacement be “fixed by rule or by a later order on compliance, but not by both.”¹⁴⁶ As a result, Indicated PJM TOs claim that “any later filing made by the public utility to ensure that the public utility is compliant with the Commission’s rules is made pursuant to section 205”¹⁴⁷ such that the Commission’s “only recourse is to consider whether the rate submitted by the public utility on compliance is just and reasonable.”¹⁴⁸ WIRES similarly argues that the Commission did not “take the initiative in setting the replacement rates” but instead directed transmission providers on compliance to submit just and reasonable cost allocation methods consistent with the requirements of Order No. 1920, such that “the public utility need only propose a just and reasonable replacement rate in compliance with the Commission order.”¹⁴⁹

¹⁴² See *infra* P 74 (summarizing arguments that the Commission departed from this precedent without adequate explanation).

¹⁴³ Indicated PJM TOs Rehearing Request at 17–18 (arguing that “[t]he statutory structure of the FPA requires the Commission give preference to the proposal submitted on compliance by public utilities” and the Commission “cannot simply choose the one it likes best” (citing *United Gas Pipe Line Co. v. Mobile Gas Serv. Corp.*, 350 U.S. 332, 340–41 (1956))); see *id.* at 20 (“This preference for the public utility’s proposal is the only interpretation that conforms with the statutory text of the FPA.”).

¹⁴⁴ See *id.* at 17.

¹⁴⁵ *Id.* at 27–28.

¹⁴⁶ *Id.* at 27 n.102 (citing 16 U.S.C. 824e(a); *Indep. Energy Producers Ass’n v. Cal. Indep. Sys. Operator Corp.*, 128 FERC ¶ 61,165, at PP 21–26 (2009)).

¹⁴⁷ *Id.* at 27–28 n.102.

¹⁴⁸ *Id.* at 28; see also, e.g., *id.* at 3–4 (“Unless the Commission prescribes the specific replacement rate, the Commission must accept the utility’s filing if it is just and reasonable, even if the Commission prefers a different rate.”); *id.* at 5, 7–8.

¹⁴⁹ WIRES Rehearing Request at 10–11.

44. SPP TOs argue that certain Commission precedent cited in Order No. 1920–A¹⁵⁰ does not support—and, in fact, undermines—the requirement that transmission providers submit Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process with transmission providers’ compliance filings.¹⁵¹

ii. Commission Determination

45. For the reasons below and those stated in Order No. 1920–A, we sustain the Commission’s determination in Order No. 1920–A requiring transmission providers to include Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process resulting from the Engagement Period, and associated information provided to transmission providers regarding the state negotiations during the Engagement Period, in transmission providers’ transmittal or as an attachment to their Order No. 1920 regional transmission planning and cost allocation compliance filings.¹⁵² We further sustain the Commission’s determination that, pursuant to its FPA section 206 authority, it will consider the entire record—including any agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process and the transmission providers’ proposal—when setting the replacement rate.¹⁵³

(a) The Statutory Text and Structure, and Applicable Precedent, Support the Commission’s Order No. 1920–A Approach

46. Order No. 1920–A requires that transmission providers include Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process and associated information in the transmittal or as an attachment to

¹⁵⁰ Order No. 1920–A, 189 FERC ¶ 61,126 at P 658 & n.1657 (citing *PJM Interconnection, L.L.C.*, 173 FERC ¶ 61,134 at P 117 n.175; *PJM Interconnection, L.L.C.*, 119 FERC ¶ 61,318 at P 115; *ANR Pipeline Co.*, 110 FERC ¶ 61,069 at P 49) (reflecting that the Commission typically does not consider alternative proposals on compliance).

¹⁵¹ See SPP TOs Rehearing Request at 16–17 & n.43 (arguing that these cases involved acceptance of and/or giving greater weight to transmission providers’ compliance filings or settlement proposals).

¹⁵² Order No. 1920–A, 189 FERC ¶ 61,126 at PP 651, 654–655.

¹⁵³ *Id.* P 659. As discussed further below, pursuant to FPA section 205, transmission providers retain their discretion over whether to make and the contents of any future FPA section 205 filings, and Order No. 1920–A’s requirements do not affect that discretion. See *infra* PP 69, 118.

their Order No. 1920 compliance filings and provides for the Commission’s consideration of the entire record, which includes proposals from transmission providers and attachments to transmission providers’ filings, when finalizing the replacement rate. The challenges raised on rehearing to both of these aspects of Order No. 1920–A incorrectly treat filings to comply with Order Nos. 1920 and 1920–A as arising under or implicating FPA section 205, which sets forth public utilities’ filing rights and obligations. Rather, these aspects of Order No. 1920–A arise from FPA section 206, which sets forth the Commission’s authority to determine and fix by order a replacement rate after appropriate findings.¹⁵⁴ The compliance filings required by Order Nos. 1920 and 1920–A are a tool to implement the Commission’s authority under FPA section 206, and do not implicate public utilities’ rights and obligations under FPA section 205. Thus, we address at the outset the statutory text and structure of the FPA, as well as relevant Commission and judicial decisions, in addressing these arguments.

47. Order Nos. 1920 and 1920–A were issued pursuant to Commission-initiated proceedings under FPA section 206.¹⁵⁵ As the Commission stated in Order No. 1920–A, having determined that the Commission’s existing regional transmission planning and cost allocation requirements are unjust, unreasonable, and unduly discriminatory or preferential under FPA section 206, “[t]he Commission thus had both the authority and responsibility to ‘determine the just and reasonable . . . practice . . . to be thereafter observed and in force.’”¹⁵⁶ The Commission required the submission of compliance filings to assist in effectuating the Commission’s authority under FPA section 206, explaining in Order No. 1920–A that “[t]his compliance filing submitted pursuant to FPA section 206 is not an FPA section 205 filing.”¹⁵⁷

48. While FPA sections 205 and 206 embody a complementary structure for regulating the rates and practices of public utilities, they are distinct provisions which assign rights and

¹⁵⁴ 16 U.S.C. 824d (setting forth public utility filing rights and obligations); 16 U.S.C. 824e (setting forth power of Commission to fix rates and charges).

¹⁵⁵ See *Bldg. for the Future Through Elec. Reg’l Transmission Plan. & Cost Allocation & Generator Interconnection*, 179 FERC ¶ 61,028, at P 1 (2022) (NOPR); Order No. 1920, 187 FERC ¶ 61,068 at P 1; Order No. 1920–A, 189 FERC ¶ 61,126 at PP 1, 652.

¹⁵⁶ Order No. 1920–A, 189 FERC ¶ 61,126 at P 652 (quoting 16 U.S.C. 824e(a)).

¹⁵⁷ *Id.* (citing *ISO New England Inc.*, 173 FERC ¶ 61,204 at P 8).

responsibilities to different entities under different circumstances. FPA section 205 requires that the public utility, subject to Commission oversight, “file with the Commission . . . schedules showing all rates and charges for any transmission or sale subject to the jurisdiction of the Commission, and the classifications, practices, and regulations affecting such rates and charges.”¹⁵⁸ FPA section 206(a), by contrast, delineates the authority of the Commission—the subject of the provision—to modify public utilities’ existing rates on appropriate findings and, itself, determine and fix by order the just and reasonable rate, charge, classification, rule, regulation, practice, or contract to be observed and in force.¹⁵⁹

49. The express text of FPA section 206 does not provide public utilities with statutory filing rights with respect to the just and reasonable replacement rate following a finding that existing rates are unjust, unreasonable, or unduly discriminatory or preferential. Rather, the authority to “determine the just and reasonable rate, charge, classification, rule, regulation, practice, or contract to be thereafter observed and in force” is vested in the Commission, and—in Commission-initiated proceedings under FPA section 206—the Commission must find that the replacement rate it determines and fixes meets the statutory criteria.¹⁶⁰ To implement this authority the Commission frequently requires public utilities to submit compliance filings, as it did in Order Nos. 1920 and 1920–A, which the Commission will review and address in further orders.¹⁶¹

¹⁵⁸ 16 U.S.C. 824d(c); cf. *id.* 824d(a) (requiring that “[a]ll rates and charges made, demanded, or received by any public utility for or in connection with the transmission or sale of electric energy subject to the jurisdiction of the Commission, and all rules and regulations affecting or pertaining to such rates or charges shall be just and reasonable, and any such rate or charge that is not just and reasonable is hereby declared to be unlawful”).

¹⁵⁹ 16 U.S.C. 824e(a) (providing that “the Commission shall determine” the replacement rate and “shall fix the same by order”).

¹⁶⁰ *Id.*; see *E. Tenn. Nat. Gas Co. v. FERC*, 863 F.2d 932, 937 (D.C. Cir. 1988) (explaining that, under the parallel provisions of the NGA, “[w]hen review of existing rates is initiated by the Commission, . . . the burden of proving that the existing rates are unjust or unreasonable, and that those it orders in replacement are just and reasonable, rests with [the Commission]”); *ISO New England Inc.*, 153 FERC ¶ 61,224, at P 24 (2015) (“The Commission did not place the burden on Connecticut and Rhode Island to prove that the dynamic de-list bid threshold [proposed in a compliance filing] was unreasonable. Rather, the Commission affirmatively found the dynamic de-list bid threshold to be just and reasonable.”).

¹⁶¹ See, e.g., *Improvements to Generator Interconnection Procs. & Agreements*, Order No. 2023, 184 FERC ¶ 61,054, at P 1762, *order on reh’g*,

50. As the D.C. Circuit held in discussing what it means to “‘fix’ a rate within the meaning of [FPA section 206],” when the Commission determines that an existing rate is unjust and unreasonable, it is not “inevitable that the Commission has the obligation to end an unlawful rate from the moment it finds unlawfulness.”¹⁶² The court therefore rejected the Commission’s argument that a replacement rate necessarily must go into effect as of the date the Commission finds that an existing rate is not lawful under the FPA, rather than the effective date provided when the Commission determines and fixes the replacement rate on compliance.¹⁶³ This decision underscores that the Commission’s authority and responsibility under FPA section 206 to fix the replacement rate continued, in the Order Nos. 1920 and 1920–A context, from the point at which the Commission determines that existing rates are unlawful and requires compliance filings until the Commission fixes the replacement rate by order.¹⁶⁴ The submission and Commission consideration of

185 FERC ¶ 61,063 (2023), *order on reh’g*, Order No. 2023–A, 186 FERC ¶ 61,199, *errata notice*, 188 FERC ¶ 61,134 (2024); *Participation of Distributed Energy Res. Aggregations in Mkts. Operated by Reg’d Transmission Orgs. & Indep. Sys. Operators*, Order No. 2222, 172 FERC ¶ 61,247, at P 360 (2020), *order on reh’g*, Order No. 2222–A, 174 FERC ¶ 61,197 (2021). This particular compliance process, however, is not prescribed by the statute and by no means required. See *Elec. Dist. No. 1 v. FERC*, 774 F.2d 490, 494 (D.C. Cir. 1985) (*Electrical District*) (explaining that the Commission may instead “complete the process itself and fix the rates in its initial order”).

¹⁶² *Electrical District*, 774 F.2d at 492. The D.C. Circuit later explained how this decision could be reconciled with *Pub. Serv. Co. of New Hampshire v. FERC*, 600 F.2d 944 (D.C. Cir. 1979), which applied a seemingly lower standard with respect to the necessary notice required under the FPA as to certain types of rates. See *Transwestern Pipeline Co. v. FERC*, 897 F.2d 570, 577–78 (D.C. Cir. 1990). The reconciliation of these cases does not affect the relevance of the analysis from the D.C. Circuit discussed herein regarding the Commission’s ongoing FPA section 206 authority.

¹⁶³ See *Electrical District*, 774 F.2d at 492 (“Or to use a more remote analogy, it is not the case that once a court has concluded that a particular action challenged before it is unlawful it must immediately issue an injunction, instead of taking time for further deliberations necessary to determine what the precise terms of that injunction should be.”); see also *Kern River Gas Transmission Co.*, 133 FERC ¶ 61,162, at P 22 (2010) (*Kern River*) (“Since *Electrical District*, the Commission’s general practice in determining the effective date of rate changes ordered pursuant to NGA section 5 has been to follow the approach suggested by the court in that case.”).

¹⁶⁴ See *Electrical District*, 774 F.2d at 492 (citing FPA section 206(a), 16 U.S.C. 824e(a), as establishing “the procedures that the statute establishes for adjusting unlawful rates” and finding that these procedures for the Commission to follow in fixing the replacement rate by order, pursuant to the statutory text are “not at all ambiguous”).

compliance filings pursuant to those orders, and the Commission’s subsequent determination of the replacement rate, are thus later stages occurring as part of a continuing process under FPA section 206, not under FPA section 205.¹⁶⁵ Accordingly, the Commission has distinguished compliance filings that assist the Commission’s exercise of its authority under FPA section 206 from other filings made by public utilities under the distinct rights afforded to them under FPA section 205.¹⁶⁶

51. FPA section 206 does not prevent the Commission, after having found an existing rate unjust and unreasonable, from choosing in a specific rulemaking proceeding to consider the approaches of entities other than the public utility to inform the Commission’s determination of the replacement rate;¹⁶⁷ rather, it states that “the Commission shall determine the just and reasonable rate” to be thereafter observed and in force.¹⁶⁸ It also does not preclude the Commission from

¹⁶⁵ See *id.* Similarly, *Entergy* recognizes that the Commission may select the just and reasonable rate in an FPA section 206 proceeding and that its authority to do so remains intact throughout the compliance process. 40 F.4th at 701–02. This stands in contrast to FPA section 205 proposals where the Commission’s role is passive and reactive. See *City of Winnfield, La. v. FERC*, 744 F.2d 871, 876 (D.C. Cir. 1984) (*City of Winnfield*); *NRG Power Mktg.*, 862 F.3d at 114.

¹⁶⁶ See, e.g., *ISO New England Inc.*, 173 FERC ¶ 61,204 at P 8 (explaining that a filing from ISO–NE would be considered as a new FPA section 205 filing, rather than a compliance filing related to an FPA section 206 investigation, because the Commission “did not make a finding that ISO–NE’s tariff was unjust and unreasonable without such revisions, a necessary precursor to the Commission considering ISO–NE’s tariff revisions as a compliance filing setting forth a proposed replacement rate”); *N.Y. Indep. Sys. Operator, Inc.*, 131 FERC ¶ 61,242 at P 32 (stating that “the Commission has always treated compliance filings differently than a company-initiated rate change application filed pursuant to section 205 of the FPA,” including that they are not subject to the 60-day prior notice requirement under section 205(d) of the FPA); *Ameren Servs. Co. v. Midwest Indep. Transmission Sys. Operator, Inc.*, 132 FERC ¶ 61,186, at P 28 (2010) (finding that aspects of a filing exceeded the scope of compliance and should, instead, have been submitted under FPA section 205); *PJM Interconnection, L.L.C.*, 85 FERC ¶ 61,111 at 61,413 (“Although PJM purported to file its market monitoring plan in part pursuant to Section 205 of the FPA, it was in fact a filing in compliance with Ordering Paragraph V of the November 25 Order. Such compliance filings are pursuant to a Commission directive and are not subject to the procedures of Section 205(d).”) (cleaned up).

¹⁶⁷ As discussed below, Order No. 1920–A’s approach to considering compliance filings on cost allocation represents a limited departure, in these particular circumstances, from the Commission’s typical approach of adopting public utilities’ proposals in compliance filings if they are compliant with the requirements of the final rule. See *infra* PP 86–87.

¹⁶⁸ 16 U.S.C. 824e(a).

requiring that transmission providers submit Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process with transmission providers' compliance filings.¹⁶⁹ Neither does FPA section 205, which governs the distinct process of a public utility filing its own rates in the first instance, subject to Commission oversight,¹⁷⁰ rather than the determination of a replacement rate by the Commission after appropriate findings under FPA section 206. Moreover, that a public utility is the entity that submits a compliance filing does not transform that submission into an FPA section 205 filing, subject to the requirements of that provision.¹⁷¹ A contrary conclusion would fail to recognize and give effect to the distinct and express statutory authority afforded to the Commission in FPA section 206, which arises pursuant to specific statutory findings and which, once triggered, is subject to different requirements than FPA section 205 filings.

52. We agree with rehearing petitioners that FPA section 205 expressly provides public utilities with statutory filing rights. But when considered in the correct statutory context, the arguments on rehearing that the Commission has intruded on those public utilities' FPA section 205 filing rights by: (1) requiring that public utilities attach to their compliance filings Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process and associated information; or (2) considering, and potentially adopting, Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in determining the replacement rate, are not persuasive.¹⁷² These aspects of Order No. 1920–A were adopted pursuant to FPA section 206, to

assist in building the record for the Commission's exercise of its own authority to determine and fix the just and reasonable rate, as well as in monitoring compliance with the requirements related to the Engagement Period and efficiently considering the views of both Relevant State Entities and transmission providers. FPA section 205 is not implicated by these aspects of Order No. 1920–A and arguments to the contrary conflate compliance filings to assist the Commission in implementing its authority under FPA section 206 with public utilities' rate filings under FPA section 205.

53. Efforts to connect public utilities' FPA section 205 rights to this distinct FPA section 206 process by appealing to the structure of FPA sections 205 and 206¹⁷³ are misplaced for similar reasons; these arguments incorrectly blur the line between the separate authorities assigned in FPA sections 205 and 206. As the petitioners seeking rehearing observe, public utilities have the statutory right under FPA section 205 to file proposals to set and revise their rates of their own initiative in the first instance, and under that section, the Commission plays an essentially passive role in reviewing—and then accepting or rejecting—those proposals based on their consistency with the statutory requirements.¹⁷⁴ And as discussed below, public utilities retain their discretion as to whether to file—or not file—those proposals using this FPA section 205 authority.¹⁷⁵ But as to existing, Commission-approved rates, the FPA separately assigns to the Commission under FPA section 206 the authority to review those rates of its own initiative or in response to a complaint.¹⁷⁶ Upon appropriate findings, the Commission—not the public utility—has the authority itself to determine and fix the replacement rate,¹⁷⁷ including determining such rate through the use of compliance filings.¹⁷⁸ Subsequently, public utilities may seek to revise that Commission-determined

replacement rate through the exercise of their FPA section 205 rights.¹⁷⁹ FPA sections 205 and 206 are thus complementary provisions under a coherent statutory structure, but they embody a statutorily-imposed division of rights and responsibilities between public utilities under FPA section 205 and the Commission under FPA section 206.¹⁸⁰

54. Nor does the precedent that the rehearing requests rely on¹⁸¹ to claim that Order No. 1920–A unlawfully intrudes on public utilities' FPA section 205 filing rights support this argument.¹⁸² These cases do not address the context—applicable here—of how the Commission may exercise its authority, under FPA section 206, to determine the just and reasonable replacement rate, including how or from whom it obtains views concerning the replacement rate or which replacement rate it may determine and fix. Rather, they arise in proceedings under different statutory provisions—particularly including FPA section 205 and the parallel context of NGA section 4¹⁸³—as discussed in greater detail below. As a result, none of these cases support the conclusion that the Commission intrudes on FPA section 205 when it exercises its authority under FPA section 206 by requiring that public utilities attach to their compliance filings Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process and associated information or by potentially adopting that agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in determining the replacement rate.

55. *Atlantic City I* provides a straightforward example of this

¹⁶⁹ See 16 U.S.C. 824e(a), (b) (setting forth certain procedural requirements relating to proceedings under FPA section 206, which do not include such restrictions); see also *Interstate Nat. Gas Ass'n of Am. v. FERC*, 285 F.3d 18, 38–39 (D.C. Cir. 2002) (NGAA) (holding under parallel provisions of the NGA that “the Commission has authority under [NGA section] 5 to order hearings to determine whether a given pipeline is in compliance with FERC’s rules . . . and under [NGA sections] 10 and 14 to require pipelines to submit needed information for making its [NGA section] 5 decisions”); 16 U.S.C. 825c(a), 825f(a), 825h.

¹⁷⁰ See 16 U.S.C. 824d.

¹⁷¹ See *supra* P 50 & note 166 (discussing cases distinguishing compliance filings made by public utilities, which the Commission and courts consistently and correctly treated as made under FPA section 206, from FPA section 205 filings).

¹⁷² See *supra* PP 30–31.

¹⁷³ See *supra* P 32.

¹⁷⁴ See, e.g., EEI Rehearing Request at 13; Indicated PJM TOs Rehearing Request at 2–4; MISO TOs Rehearing Request at 5–6; SPP TOs Rehearing Request at 3, 5–6; WIREs Rehearing Request at 8.

¹⁷⁵ See *infra* P 118.

¹⁷⁶ 16 U.S.C. 824e(a).

¹⁷⁷ *Id.*; see also *FirstEnergy Serv. Co. v. FERC*, 758 F.3d 346, 353 (D.C. Cir. 2014) (stating that, under FPA section 206, “[i]t is the Commission’s job—not the petitioner’s—to find a just and reasonable rate.” (internal quotations omitted)).

¹⁷⁸ Arguments on rehearing attempting to conflate compliance filings under FPA section 206 with public utilities’ filings under FPA section 205 because both are evaluated based on a just and reasonable standard, see, e.g., WIREs Rehearing Request at 14–15, incorrectly blur the lines between these two distinct statutory provisions.

¹⁷⁹ See, e.g., *PJM Power Providers Grp. v. FERC*, 88 F.4th at 270 n.122 (describing the statutory structure and stating that public utilities may seek, through FPA section 205 filings, to modify rates set by the Commission under FPA section 206).

¹⁸⁰ See, e.g., *Emera Maine*, 854 F.3d at 24 (describing this division, where FPA section 205 is intended for the benefit of the utility, but FPA section 206 has a “quite different” purpose of empowering the Commission to modify rates upon complaint or its own initiative, with “entirely different” and “stricter” procedures, such as the burden of proof and required two-step findings under FPA section 206 (quotation marks and citations omitted)).

¹⁸¹ See, e.g., *Atlantic City I*, 295 F.3d at 9–11; *Atlantic City II*, 329 F.3d at 858–59; *NRG Power Mktg.*, 862 F.3d at 114; *Western Resources*, 9 F.3d at 1578; *Massachusetts Department of Public Utilities*, 729 F.2d at 886–88.

¹⁸² See *supra* P 33 (summarizing the arguments by rehearing petitioners asserting that Order No. 1920–A is contrary to judicial precedent relating to public utilities’ FPA section 205 filing rights).

¹⁸³ 15 U.S.C. 717c.

distinction. The D.C. Circuit there rebuffed a Commission attempt, under FPA section 205,¹⁸⁴ to require that public utilities cede to an ISO their FPA section 205 right to make unilateral changes in rate design, terms or conditions of service such that “only the ISO could propose changes in rate design.”¹⁸⁵ The court held that the Commission “lacks the authority to require the petitioners to cede their right under [FPA] section 205 . . . to file changes in rate design with the Commission,”¹⁸⁶ explaining that the Commission was “attempting to deny the utility petitioners the very statutory rights given to them by Congress.”¹⁸⁷ Here, by contrast, public utilities retain all of their rights to file proposed rate changes under FPA section 205. Order No. 1920–A’s approach to cost allocation in compliance filings, under which transmission providers must attach or include Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process and associated material in transmission providers’ compliance filings and the Commission may consider and adopt Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process, is pursuant to the Commission’s authority to set a replacement rate in FPA section 206 proceedings.¹⁸⁸

56. Other cases that the rehearing requests rely on are similarly inapposite because they rejected attempts by the Commission or its predecessor, the Federal Power Commission (FPC), to modify public utilities’ FPA section 205 filings or natural gas companies’ NGA section 4 filings, without first exercising its authority and carrying its burden under FPA section 206 or NGA section 5, as appropriate.¹⁸⁹ Also

distinguishable are cases involving Commission attempts—in NGA section 4 proceedings—to require that natural gas companies refile their rates at regular intervals, rather than the Commission employing its NGA section 5¹⁹⁰ authority to review existing rates.¹⁹¹ Again, none of these cases address the circumstances presented here, where the Commission has invoked its FPA section 206 authority, made findings that existing practices do not meet the statutory standard, and then further exercised its authority to determine and fix the replacement rate.

57. *Massachusetts Department of Public Utilities* also does not support rehearing petitioners’ arguments. In that case, the D.C. Circuit held that the Commission correctly concluded that Massachusetts could not compel a public utility to exercise its FPA section 205 rights to change its Commission-jurisdictional rates.¹⁹² The court there described the “procedural dichotomy” reflected in FPA sections 205 and 206.¹⁹³ It explained that Massachusetts’ argument that it could compel a public utility to make FPA section 205 rate changes “would prevent the utility from choosing among reasonable rate-practice alternatives.”¹⁹⁴ By contrast, the Commission’s view was “more consistent with the purposes of the entire procedural scheme” in that it allows the utility’s filed rate to remain in effect absent a finding that the rate is unjust, unreasonable, or unduly discriminatory or preferential and allows the utility to change its rate so long as the utility can prove the proposed change is reasonable.¹⁹⁵ This

proceedings, the Commission may not unilaterally impose a new rate scheme of its own making without the consent of the utility, but that it “may unilaterally impose a new rate scheme on a utility or [RTO] only under a different provision of the Act[.] [FPA section 206.]” which was not “the basis for [the Commission’s] decision in this case”; *Western Resources*, 9 F.3d at 1577–79 (“After careful consideration of the statutory framework, we cannot accept the Commission’s argument that [NGA section] 4 permits it to approve any rate, no matter how materially different from that proposed by the pipeline, so long as it can be viewed as a ‘part’ of the original request.”); *Louisiana v. FPC*, 503 F.2d at 861–62 (“The difficulty is this: FPC approved the interim four-level plan as ‘just and reasonable,’ and in the next breath it ordered a new, three-level plan to take its place.”).

¹⁹⁰ 15 U.S.C. 717d.

¹⁹¹ See, e.g., *Consumers Energy Co. v. FERC*, 226 F.3d 777, 780–81 (6th Cir. 2000); *NYPSC*, 866 F.2d 487, 488–92 (D.C. Cir. 1989).

¹⁹² *Massachusetts Department of Public Utilities*, 729 F.2d at 886–87.

¹⁹³ *Id.* at 886–88.

¹⁹⁴ *Id.* at 888.

¹⁹⁵ *Id.*; see *id.* (explaining further that “the net effect of accepting Massachusetts’ argument is to allow a state to do what FERC itself cannot, namely, to change an interstate rate practice that FERC has not found unreasonable” and also identifying

same “procedural dichotomy” supports the lawfulness of Order No. 1920–A; public utilities are not exercising (or being compelled to exercise) their FPA section 205 filing rights. Rather, the Commission has made the requisite findings to support the exercise of its own authority under FPA section 206—a posture that the court in *Massachusetts Department of Public Utilities* differentiated¹⁹⁶—and the compliance filings that Order Nos. 1920 and 1920–A require and the subsequent fixing of the replacement rate by order occurs under that authority, not FPA section 205.

(b) Inclusion of Relevant State Entities’ Agreed-Upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in Transmission Providers’ Compliance Filings

58. As explained above, Order No. 1920–A’s compliance process with respect to cost allocation does not infringe on or encumber transmission providers’ FPA section 205 filing rights, as a matter of statutory text, structure, and applicable precedent. Specifically, the compliance process requirement that transmission providers include in their transmittals or attach to their Order No. 1920 regional transmission planning and cost allocation compliance filings Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process does not infringe or encumber transmission providers’ FPA section 205 filing rights. We address in additional detail here certain of the arguments raised on rehearing challenging this requirement.

59. We disagree with rehearing petitioners’ claims that requiring transmission providers to include or attach these materials in transmission providers’ FPA section 206 compliance filings in response to Order Nos. 1920 and 1920–A constitutes a “filing” requirement under FPA section 205, requires transmission providers to “cede” FPA section 205 filing rights or encumbers those rights, or grants such filing rights to Relevant State Entities. The Commission required only that transmission providers include this material in their FPA section 206 compliance filings, either in the

pragmatic considerations relating to the availability of refunds under FPA section 205 and concerns of “confusion, possibly chaos” that could result if states attempted to require conflicting changes); 16 U.S.C. 824e(a).

¹⁹⁶ *Massachusetts Department of Public Utilities*, 729 F.2d at 866–88 (contrasting the two procedural “tracks” under which rates are regulated in FPA sections 205 and 206).

¹⁸⁴ 16 U.S.C. 824d.

¹⁸⁵ *Atlantic City I*, 295 F.3d at 7; see *id.* at 9 (“FERC disapproved this sharing arrangement and directed the utility petitioners to give up all authority to make unilateral changes to rate design.”).

¹⁸⁶ *Id.* at 11.

¹⁸⁷ *Id.* at 9.

¹⁸⁸ *Atlantic City II* is inapposite for the same reason, as that decision involved a petition to enforce the mandate of *Atlantic City I* where the Commission “rather than simply vacating the offending portions of its prior order . . . commanded the utilities comprising the ISO to relitigate before it the very issues upon which they had theretofore prevailed before th[e] court.” *Atlantic City II*, 329 F.3d at 858; see also *id.* at 859 (“[W]e reaffirm and clarify our prior decision that [the Commission] has no jurisdiction to enter limitations requiring utilities to surrender their rights under [section] 205 of the FPA to make filings to initiate rate changes.”).

¹⁸⁹ See *NRG Power Mktg.*, 862 F.3d at 110, 114–17 & n.2 (explaining that, in FPA section 205

transmittal or an attachment thereto.¹⁹⁷ The Commission did not require transmission providers to independently characterize this material.¹⁹⁸ The Commission was further clear that “the transmission providers decide what to submit as their actual Order No. 1920 compliance proposal, including relevant tariff language and supporting evidence or arguments.”¹⁹⁹ Put in practical terms, in Order No. 1920–A, the Commission requires nothing more from transmission providers than attaching one or more additional documents, produced by parties other than transmission providers, to a compliance filing made under FPA section 206, to assist in building the record for the Commission’s exercise of its own authority to determine and fix the just and reasonable rate under that statutory provision, as well as monitoring compliance with the requirements related to the Engagement Period and efficiently considering the views of both Relevant State Entities and transmission providers.²⁰⁰ Furthermore, this is a one-time filing requirement associated with this FPA section 206 proceeding—not an ongoing obligation affecting any future filings by transmission providers under section 205 or any other section of the FPA.²⁰¹ And where transmission

providers’ FPA section 205 rights are at stake, Order No. 1920–A does not include these same requirements.²⁰²

60. Arguments asserting that the Commission has offered only a “hollow” explanation for this requirement, resting on “empty formalisms,”²⁰³ wrongly conflate the two distinct procedural postures and authorities set forth in FPA sections 205 and 206. The fact that a “compliance filing submitted pursuant to FPA section 206 [as required by Order Nos. 1920 and 1920–A] is not an FPA section 205 filing”²⁰⁴ carries legal consequences. Moreover, as the Commission explained, the requirement to include materials from Relevant State Entities in the context of this FPA section 206 compliance filing “does not constitute a ‘proposal’ from the transmission provider”²⁰⁵ and transmission providers remain free to present whatever proposal they desire (and believe is compliant with the requirements of Order Nos. 1920 and 1920–A). Furthermore, transmission providers retain their full and exclusive discretion as to whether to file—or not file—proposed changes to Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process under FPA section 205. Transmission providers continue to be able to fully participate in the FPA section 206 compliance process, their FPA section 205 rights are not implicated in this process, and FPA section 206 does not constrain the Commission, as it effectuates its own authority under that section, from requiring transmission providers to include information from Relevant State Entities in transmission providers’ compliance filings to assist the Commission in setting the just and reasonable rate.

61. SPP TOs’ argument that “[t]he Commission previously rejected attempts to use compliance filings to bypass the FPA’s filing requirements” and cannot “‘circumvent the notice and filing requirements of FPA sections 205 and 206’”²⁰⁶ is immaterial because Order No. 1920–A does not have these effects—no notice and filing requirements are “bypassed,” and no filings under FPA section 205 are

required at all. Rather, Order No. 1920–A’s approach to cost allocation in the required compliance filings is a proper exercise of the Commission’s authority under FPA section 206. For the same reason, we disagree with SPP TOs’ assertion that Order No. 1920–A raises a “major question” because it attempts to weaken FPA sections 205 and 206’s statutory constraints.²⁰⁷ Order No. 1920–A is a clear and unequivocal application of the Commission’s authority under FPA section 206.

62. We similarly disagree with SPP TOs’ claim that Order No. 1920–A sets a precedent in which, “in a future section 206 complaint proceeding, the Commission could authorize states or other favored parties to include their preferred alternative remedies in other parties’ compliance filings without first having to make the first step showings under FPA section 206 that are normally required.”²⁰⁸ The Commission considers compliance filings in FPA section 206 rulemaking proceedings only after it makes a first-step determination that existing rates are unjust, unreasonable, or unduly discriminatory or preferential,²⁰⁹ as it did in Order No. 1920. Once such a finding is made, the Commission determines and fixes the replacement rate, including through the use of compliance filings.²¹⁰

63. Indicated PJM TOs claim that Order No. 1920–A intrudes into transmission providers’ decision making processes by requiring that transmission providers include Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in transmission providers’ compliance filings.²¹¹ We disagree, however, with the factual premise of this argument—that the requirement to include the Relevant State Entities’ Long-Term Regional Transmission Cost

¹⁹⁷ Order No. 1920–A, 189 FERC ¶ 61,126 at P 651.

¹⁹⁸ *Id.* P 655.

¹⁹⁹ *Id.* P 654 n.1651 (“The requirement to include Relevant State Entities’ Long-Term Regional Transmission Cost Allocation Method and/or State Agreement Process as an addition to the compliance filing does not constitute a ‘proposal’ from the transmission provider.”).

²⁰⁰ FPA section 206 does not mandate a specific process through which the Commission chooses to build the record to determine and fix the replacement rate; rather, FPA section 206 merely requires a hearing prior to finding the existing rate unjust and reasonable, and then empowers the Commission to determine and fix the replacement rate by order. *See* 16 U.S.C. 824e; *see also Pension Ben. Guar. Corp. v. LTV Corp.*, 496 U.S. 633, 653, 655–56 (1990) (holding that when the Due Process Clause is not implicated and an agency’s governing statute contains no specific procedural mandates, the APA establishes the maximum procedural requirements a reviewing court may impose on agencies); *Vermont Yankee Nuclear Power Corp. v. Nat. Res. Def. Council, Inc.*, 435 U.S. 519, 524 (1978) (“Even apart from the [APA,] this Court has for more than four decades emphasized that the formulation of procedures was basically to be left within the discretion of the agencies to which Congress had confided the responsibility for substantive judgments.”); *FPC v. Transcont’l Gas Pipe Line Corp.*, 423 U.S. 326, 333 (1976); *Towns of Concord, Norwood, & Wellesley, Mass. v. FERC*, No. 90–1179, 1991 WL 17224, at *3 (D.C. Cir. 1991) (noting “the Commission’s broad authority to establish its own rules of procedure and structure its own methods of inquiry”); 5 U.S.C. 706(2)(D) (permitting courts to hold unlawful and set aside action found to be “without observance of procedure required by law” (emphasis added)).

²⁰¹ Order No. 1920–A, 189 FERC ¶ 61,126 at P 651.

²⁰² *See infra* P 118.

²⁰³ MISO TOs Rehearing Request at 19–20; *see also* WIRES Rehearing Request at 13; SPP TOs Rehearing Request at 4–5; EEI Rehearing Request at 8–9.

²⁰⁴ Order No. 1920–A, 189 FERC ¶ 61,126 at P 652.

²⁰⁵ *Id.* P 654 n.1651.

²⁰⁶ SPP TOs Rehearing Request at 15 & nn.37–38 (quoting *PJM Interconnection, L.L.C.*, 178 FERC ¶ 61,083 at P 29).

²⁰⁷ *Id.* at 17–18.

²⁰⁸ *Id.* at 15.

²⁰⁹ 16 U.S.C. 824e(a); *see, e.g., Emera Maine*, 854 F.3d at 24 (holding that “unlike section 205, section 206 mandates a two-step procedure that requires FERC to make an explicit finding that the existing rate is unlawful before setting a new rate”).

²¹⁰ In a complaint proceeding under FPA section 206, the burden of proof to make this first prong showing is on the complainant, *see id.* 824e(b), but once that showing is made, the replacement rate is determined and fixed by the Commission, *see id.* 824e(a); *see also supra* PP 51 (discussing that the Commission is not, under the FPA, constrained to consider proposals only from particular entities in receiving compliance filings); *infra* PP 86–87 (discussing the Commission’s ordinary practice of accepting the compliant, just and reasonable proposal of the public utility and its reasons for taking a different approach with respect to cost allocation under Order No. 1920–A).

²¹¹ Indicated PJM TOs Rehearing Request at 12–15.

Allocation Method(s) and/or State Agreement Process in transmission providers' compliance filings changes transmission providers' decision-making process as to what proposal transmission providers choose to make in their compliance filing.²¹² Regardless of Order No. 1920–A's filing requirement, transmission providers will need to decide whether to adopt Relevant State Entities' Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process, or file a different proposal. And if transmission providers decide to file a different proposal, the requirement to simply include or attach, without characterization, Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process and associated information received from Relevant State Entities need not involve deliberation. In short, the Commission is not regulating transmission providers' decision as to what proposal they make on compliance.²¹³

64. Indicated PJM TOs' argument is also incorrect for other reasons. This argument is further premised on an alleged intrusion on public utilities' "internal decisions on whether to submit a filing *under section 205 of the FPA* and the content of that filing."²¹⁴ But, as discussed above, compliance filings are not submitted under FPA section 205. The compliance filing at issue here is a one-time requirement under FPA section 206. So the premise of this argument is also mistaken as a matter of law and fact.

65. EEI, SPP TOs, and WIRES each argue that there are other avenues (*e.g.*, protests) for parties to be heard with

respect to cost allocation, such that allegedly infringing on transmission providers' FPA section 205 rights by requiring inclusion of Relevant State Entities' materials in transmission provider's compliance filings is not necessary or justified.²¹⁵ For the most part, these arguments appear to be claims that the Commission's decision on this point was arbitrary and capricious or that the Commission should have adopted a different approach.²¹⁶ At times, however, rehearing petitioners link these arguments to their claims that the Commission has afforded Relevant State Entities rights not found in the FPA.²¹⁷ We reject these arguments as inconsistent with the statutory text and structure, as well as applicable precedent. Although protests are one way that other entities can be heard, the FPA does not limit the Commission's ability to determine how to build the record when determining and fixing an appropriate replacement rate under FPA section 206.²¹⁸

(c) Commission Consideration of Relevant State Entities' Agreed-Upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process

66. The above discussion of the statutory text, structure, and precedent rebuts the core of the challenges to the Commission's determination that it will "consider the entire record—including the Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method and/or State Agreement Process and the transmission providers' proposal—when setting the replacement rate."²¹⁹ We address in additional detail certain of the specific arguments raised on rehearing

challenging Order No. 1920–A in this respect.

67. We continue to conclude that "the Commission need only select a replacement rate that complies with the final rule and that is adequately supported in the record, and then intelligibly explain the reasons for its choice."²²⁰ Claims that Order No. 1920–A distorts the statutory scheme by "elevating" Relevant State Entities to the equivalent of public utilities by requiring that their agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process be included in the compliance filing, which will be assessed under the same just and reasonable standard as articulated in FPA section 205,²²¹ are unpersuasive. As discussed above, FPA section 206 does not specify that the Commission may only consider public utilities' proposals for a replacement rate; rather, FPA section 206 merely requires a hearing prior to finding the existing rate unjust and reasonable, and then empowers the Commission to determine and fix the replacement rate by order.²²² In fact, the D.C. Circuit has explained that the Commission is not required to await public utilities' proposals on compliance at all but may instead determine and fix the replacement rate coincident with the finding under the first prong of FPA section 206 that the existing rate is unjust and unreasonable.²²³ And while the Commission has typically adopted public utilities' compliant just and reasonable proposals for the replacement rate without considering alternate proposals by other entities, FPA section 206 does not prevent the Commission from taking a different approach in a specific rulemaking proceeding. Rather, and as discussed further below,²²⁴ where the Commission has adopted transmission providers' proposals on compliance where it finds them compliant with the requirements of the final rule, it has done so based on pragmatic considerations and pursuant to its authority and discretion to determine and fix a just and reasonable rate.²²⁵

²¹² See *id.* at 12–13.

²¹³ For this reason, Indicated PJM TOs' discussion of the applicability of precedent relating to RTO governance, *see* Indicated PJM TOs Rehearing Request at 15 & n.50, is mistaken and beside the point. We further find that the Commission's regulation of cost allocation methods for Long-Term Regional Transmission Facilities as practices directly affecting Commission-jurisdictional rates falls well within its authority pursuant to *EPSA*, 577 U.S. at 278. Moreover, *CAISO*, in which the court found that a Commission attempt to order a public utility to replace its governing board exceeded the Commission's authority, 372 F.3d at 398, 403, bears no resemblance whatsoever to the facts before us here, given that the Commission is in no way regulating transmission providers decision-making process or governance structure. Indeed, we note that Indicated PJM TOs' argument proves too much: every time the Commission directs a public utility to make a compliance filing, it requires that the utility make decisions as to what proposal to adopt.

²¹⁴ Indicated PJM TOs Rehearing Request at 6–7 (emphasis added); *see also id.* at 2–3; *id.* at 14 (citing *Atlantic City I*, which addressed FPA section 205 rights, and referring to the "passive" role of the Commission, which pertains under FPA section 205).

²¹⁵ See EEI Rehearing Request at 9–10, 12; SPP TOs Rehearing Request at 15–18; WIRES Rehearing Request at 14.

²¹⁶ See *infra* PP 78–80 (addressing these arguments).

²¹⁷ See, *e.g.*, EEI Rehearing Request at 9 (arguing that the Commission "goes beyond its authority under the FPA" and that the proper method for submitting an alternative to a replacement rate proposed by a public utility on compliance is to file a protest); SPP TOs Rehearing Request at 17–18 ("The fact that states 'are unable to file cost allocation methods themselves' and must instead either comment on transmission providers' proposals or file section 206 complaints is exactly what the FPA requires." (quoting Order No. 1920–A, 189 FERC ¶ 61,126 at P 645)); WIRES Rehearing Request at 11, 14 (advancing this argument in contending the Commission does not have statutory authority to require a public utility to file another entity's rate proposal).

²¹⁸ See *supra* PP 51–52, 59.

²¹⁹ Order No. 1920–A, 189 FERC ¶ 61,126 at P 659.

²²⁰ *Id.* P 658 (citing *Entergy*, 40 F.4th at 701–02).

²²¹ See, *e.g.*, SPP TOs Rehearing Request at 13–14.

²²² See *supra* P 51.

²²³ See *Electrical District*, 774 F.2d at 494; *Kern River Gas Transmission Co.*, 133 FERC ¶ 61,162 at PP 21–22 ("[A]s an alternative to waiting for the pipeline to calculate the rates in a compliance filing, the Commission may calculate and fix the rate itself in the initial order.").

²²⁴ See *infra* PP 71, 86–87.

²²⁵ See, *e.g.*, *Entergy*, 40 F.4th at 701–02 ("[A]t bottom, Petitioners simply argue that, in its view,

68. Relatedly, MISO TOs misunderstand Order No. 1920–A in contending that the Commission has ascribed “heightened importance” to state-developed cost allocation methods in the context of planning to meet Long-Term Transmission Needs, such that the Commission will be particularly likely to accept Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process rather than those of transmission providers.²²⁶ Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Methods and State Agreement Processes take on heightened importance in relation to other commenters’ views, not in relation to transmission providers’ proposals for a replacement rate in transmission providers’ compliance filings. Further, MISO TOs’ argument disregards the Commission’s explanation that “the Commission will consider the entire record—including the Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method and/or State Agreement Process and the transmission provider’s proposal—when setting the replacement rate.”²²⁷ The Commission did not state that it was adopting any generic or *per se* preference for Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process. Rather, the Commission provided that it will make determinations as to the appropriate replacement rate on a case-by-case basis, based on the entire record and consistent with the Commission’s statutory authority and discretion to determine and fix the replacement

rate.²²⁸ And, consistent with the discussion herein, nothing prevents the Commission from determining and fixing the replacement rate of its choosing, including choosing the Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process, pursuant to FPA section 206, so long as it is consistent with the final rule, adequately supported in the record, and the Commission adequately explains the reason for its choice.

69. MISO TOs claim that “[i]f the Commission accepts the Relevant State Entities’ Cost Allocation Method over the transmission provider’s method . . . the Commission has subverted future FPA section 205 filings related to that rate scheme in a manner that disfavors the transmission provider’s FPA section 205 proposals.”²²⁹ Although MISO TOs do not sufficiently explain this specific argument,²³⁰ namely by indicating how they believe the Commission is “subverting” future FPA section 205 filings, this argument again appears to ascribe effects to Order No. 1920–A that it does not have, which we have already addressed. Irrespective of the replacement rate that the Commission sets under FPA section 206, the Commission will assess transmission providers’ future FPA section 205 filings according to the statutory standard prescribed by the FPA for such filings. Nothing in Order No. 1920–A “disfavors” or “subvert[s]” those hypothetical future filings.²³¹ Moreover, any challenges related to the Commission’s treatment of such future FPA section 205 filings can be raised when those filings are made.

70. We find unpersuasive Indicated PJM TOs’ and SPP TOs’ arguments that *Entergy* is inapposite to Order No. 1920–A because the Commission in that case first rejected MISO’s compliance filing before selecting a different replacement rate.²³² First, the Commission’s determination that it may, in compliance proceedings, consider and set as the replacement rate Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation

Method(s) and/or State Agreement Process is consistent with both the text and structure of the FPA, for the reasons already discussed.²³³ Second, *Entergy* supports this conclusion because it reflects that the Commission, when addressing compliance filings in FPA section 206 proceedings, is not required to adopt a replacement rate proposed by public utilities,²³⁴ but instead may determine and fix any just and reasonable replacement rate of its choosing.²³⁵ Third, Indicated PJM TOs and SPP TOs misconstrue *Entergy* as reflecting a requirement that the Commission must first reject a public utility’s proposal on compliance before adopting a different replacement rate. That the Commission in that case elected to first consider and reject MISO’s proposal²³⁶ before selecting a different replacement rate does not demonstrate that it was legally required to do so—and nothing in *Entergy* holds to the contrary.²³⁷

71. We are also not convinced by Indicated PJM TOs’ contention that the statutory structure of FPA sections 205 and 206 mandates a preference for the public utility’s proposal on compliance.²³⁸ Although the Commission has historically identified prudential and policy reasons for adopting public utilities’ proposals in compliance filings if they are compliant with the requirements of a final rule

²²³ See *supra* PP 48–53.

²²⁴ In other words, if compliance filings were subject to the requirements of FPA section 205, under which the Commission plays a passive role, once the Commission rejected MISO’s proposal in *Entergy* it would not have been empowered to itself fashion a different rate. *Entergy* reflects that this is not the case, as the Commission itself fashioned the replacement rate and the court upheld this result. See *Entergy*, 40 F.4th at 701–02.

²²⁵ See *id.* (noting that the Commission “is not required to choose the best solution, only a reasonable one” (citations omitted)).

²²⁶ The approach in *Entergy* was consistent with the Commission’s general practice with respect to compliance filings under FPA section 206 by public utilities, but, as we have explained above, this practice is not a statutory or legal requirement under FPA section 206.

²²⁷ Contrary to SPP TOs’ contention that the Commission erroneously relied on certain cases that do not support its approach, see SPP TOs Rehearing Request at 16–17, the Commission cited these cases in “recogn[iti]on” of the Commission’s typical practice that it “generally does not consider alternate compliance proposals other than those filed by the relevant public utility (here, the transmission provider),” before then explaining why it was not adopting that practice in Order No. 1920–A with respect to these cost allocation proposals. Order No. 1920–A, 189 FERC ¶ 61,126 at P 659; see *F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. at 515 (“To be sure, the requirement that an agency provide reasoned explanation for its action would ordinarily demand that it display awareness that it is changing position.” (emphasis in original)).

²²⁸ See Indicated PJM TOs Rehearing Request at 17–18, 20.

a better method exists. But [the Commission] is not required to choose the best solution, only a reasonable one.” (quotation marks and citation omitted); *Duke Energy Trading & Mktg., L.L.C. v. FERC*, 315 F.3d 377, 382 (D.C. Cir. 2003) (“[T]here may be a number of different potential rates all of which are just and reasonable.”); *Kern River*, 142 FERC ¶ 61,132 at P 37 (“Here, the Commission is acting under NGA section 5, not section 4. However, just as there may be several just and reasonable rates, terms, or conditions which a pipeline may propose in a section 4 proceeding, there may be several just and reasonable rates, terms or conditions which the Commission may adopt as a just and reasonable remedy in a section 5 proceeding.”).

²²⁶ See, e.g., MISO TOs Rehearing Request at 24–25, 33–37 (citing Order No. 1920–A, 189 FERC ¶ 61,126 at P 659).

²²⁷ Order No. 1920–A, 189 FERC ¶ 61,126 at P 659; see also *id.* (explaining that the Commission was “not required to accept a cost allocation proposal from a transmission provider simply because it may comply with Order No. 1920” but could, instead, “adopt any cost allocation method proposed by Relevant State Entities and submitted on compliance so long as it complies with Order No. 1920”).

²²⁸ See *id.* P 658 (explaining how the Commission will consider replacement rate proposals) (citing 16 U.S.C. 824e, 825(b)).

²²⁹ MISO TOs Rehearing Request at 24–25.

²³⁰ A rehearing request must set forth with specificity the grounds on which the request is based. 16 U.S.C. 825(l)(a); 18 CFR 385.713(c)(2) (2024); see *ZEP Grand Prairie Wind, LLC*, 183 FERC ¶ 61,150, at P 10 (2023); *Ind. Util. Regul. Comm’n v. FERC*, 668 F.3d 735, 738–40 (D.C. Cir. 2012).

²³¹ Challenges to the Commission’s treatment of those potential filings are not before us at this time.

²³² See Indicated PJM TOs Rehearing Request at 22–23; SPP TOs Rehearing Request at 18–19 n.49.

issued pursuant to FPA section 206,²³⁹ these prudential and policy reasons are not statutory commands.²⁴⁰ Interpreting the FPA as Indicated PJM TOs urge renders meaningless this aspect of the statutory divide of FPA sections 205 and section 206 and would impermissibly convert the Commission's statutory authority to determine the replacement rate into a substantive statutory right for the public utilities.

72. Indicated PJM TOs and WIRES are similarly incorrect in arguing that the Commission is limited to considering whether the rate submitted by the public utility on compliance is just and reasonable because the Commission failed to prescribe a specific replacement rate in Order No. 1920–A.²⁴¹ Consistent with the D.C. Circuit's holding in *Electrical District*, the Commission is not “obligat[ed] to end an unlawful rate from the moment it finds unlawfulness” but rather may “tak[e] time for further deliberations necessary to determine what the precise terms of [the replacement rate] should be.”²⁴² The “not at all ambiguous” procedures set forth in FPA section 206 establish that after finding existing rates are unjust, unreasonable, or unduly discriminatory or preferential “the Commission shall determine the just and reasonable rate . . . to be thereafter observed and in force, and shall fix the

same by order.’ ”²⁴³ Claims that the Commission somehow in Order No. 1920 or 1920–A forfeited to transmission providers the responsibility—assigned to the Commission by the statute's plain text—to fix the replacement rate, consistent with the requirements of those orders, are not grounded in the statutory text or structure, and are contrary to precedent.²⁴⁴

b. Compliance With the APA

i. Rehearing Requests

73. Several petitioners argue that the Commission failed to engage in reasoned decision-making as required by the Administrative Procedure Act (APA) in adopting the requirement that transmission providers include in the transmittal or as an attachment to their compliance filings any Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process agreed to by Relevant State Entities as well as any and all supporting evidence and/or justification related to such method(s) and/or process.²⁴⁵ MISO TOs, Indicated PJM TOs, SPP TOs, and EEI argue that the Commission failed to explain why states did not already have adequate opportunities to provide input to cost allocation through previously existing processes—generally connecting these arguments to their view that the compliance filing requirements in Order No. 1920–A are inconsistent with FPA section 205.²⁴⁶ MISO TOs and SPP TOs

argue that Order No. 1920–A's compliance filing requirements are inconsistent with the Commission's determination that transmission providers have the obligation, subject to Commission oversight, to engage in transmission planning and cost allocation.²⁴⁷ WIRES argues that the approach the Commission selected in Order No. 1920–A is adversarial, leading to delay and litigation, and that “the record demonstrates that there are other less intrusive means by which states can meaningfully participate in the development of Long-Term Regional [Transmission] Cost Allocation [M]ethods and State Agreement Processes.”²⁴⁸ EEI argues that the Commission's stated justification for requiring transmission providers to include in their compliance filings the preferred approach of Relevant State Entities to cost allocation (*i.e.*, the unique role of Relevant State Entities) does not relate to cost allocation and does not justify infringing on utilities' FPA filing rights.²⁴⁹ EEI further argues that the requirement to include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in transmission providers' compliance filings could confuse stakeholders as to which material to provide feedback on—that of the transmission provider or of the Relevant State Entities—and result in stakeholder feedback that is not focused on the transmission provider's proposal.²⁵⁰

²³⁹ See, e.g., *Kern River*, 142 FERC ¶ 61,132 at P 37 (noting that “[i]f the pipeline supports one such just and reasonable remedy, the Commission finds that adopting the pipeline's remedy, in preference to other possible remedies, properly recognizes the NGA's policy of giving pipelines the primary initiative to establish their rates, terms, and conditions of service” but also recognizing that “there may be several just and reasonable rates, terms or conditions which the Commission may adopt as a just and reasonable remedy in [an NGA] section 5 proceeding”); *PJM Interconnection, L.L.C.*, 173 FERC ¶ 61,134 at P 117 n.175 (“Because PJM may make a section 205 filing to revise these [OATT] provisions, we find it reasonable to accept PJM's proposal over alternatives if PJM's proposal is just and reasonable.”).

²⁴⁰ See 16 U.S.C. 824e(a); *Electrical District*, 774 F.2d at 492. Reinforcing this conclusion, the D.C. Circuit has explained that the Commission is not required to await public utilities' proposals on compliance at all but may instead set the replacement rate. See *Electrical District*, 774 F.2d at 494; *Kern River Gas Transmission Co.*, 133 FERC ¶ 61,162 at PP 21–22 (“[A]s an alternative to waiting for the pipeline to calculate the rates in a compliance filing, the Commission may calculate and fix the rate itself in the initial order.”).

²⁴¹ Indicated PJM TOs Rehearing Request at 28; see also, e.g., *id.* at 3–4, 5, 7–8; WIRES Rehearing Request at 10–11.

²⁴² *Electrical District*, 774 F.2d at 492; see also *Entergy*, 40 F.4th at 701–02 (affirming order in which the Commission, after rejecting MISO's compliance filings, subsequently determined the replacement rate on its own initiative, under FPA section 206).

²⁴³ *Electrical District*, 774 F.2d at 492 (quoting FPA section 206(a), 16 U.S.C. 824e(a); emphasis in original).

²⁴⁴ Contrary to Indicated PJM TOs' argument, see Indicated PJM TOs Rehearing Request at 27 n.102, the Commission's decision in *Indep. Energy Producers Ass'n v. Cal. Indep. Sys. Operator Corp.*, 128 FERC ¶ 61,165 (2009) does not suggest that the Commission forwent the opportunity to establish a specific replacement rate. Rather, the discussion in that case addressed the point at which a sufficient degree of specificity has been provided such that a rate can be deemed fixed for purposes of a particular effective date, *id.* PP 21–26, and—in fact—is consistent with viewing the Commission's authority under FPA section 206 as part of an ongoing process until the replacement rate is fixed.

²⁴⁵ Indicated PJM TOs Rehearing Request at 8 (citing *Mayor of Balt. v. Azar*, 973 F.3d 258, 275 (4th Cir. 2020) (other citations omitted)); MISO TOs Rehearing Request at 20–21 (citing 5 U.S.C. 706 (other citations omitted)); SPP TOs Rehearing Request at 2 (citing 5 U.S.C. 706(2)).

²⁴⁶ MISO TOs Rehearing Request at 8–9, 20–22 (arguing that the Commission provides notice and comment review of compliance filings, through Commission Rules of Practice and Procedure 211 and 214, which is “reasonable and more statutorily aligned” than the approach adopted in Order No. 1920–A); Indicated PJM TOs Rehearing Request at 8 (“The Commission made no finding and there is no substantial evidence that the Commission would not have been able to consider those proposals or that the [Relevant State Entities] would not have been able to submit their proposals to the

Commission or were in any way impeded from doing so.”); *id.* at 12 n.35, 32–33; SPP TOs Rehearing Request at 29 (arguing that the importance the Commission ascribes to state perspectives reflects that state views would be taken seriously if presented through other means, such that there is no need for additional avenues for state participation through “preferential filing privileges that are not contemplated by the FPA”); EEI Rehearing Request at 9–10 (“After all, state commissions are already afforded special treatment under the Commission's procedural rules because they can intervene in rate proceedings as a matter of right.”).

²⁴⁷ MISO TOs Rehearing Request at 22–23 (citing Order No. 1920–A, 189 FERC ¶ 61,126 at P 661) (“The Commission fails to explain how it maintains this ‘tariff obligation’ if it requires transmission providers to subordinate their interests and preferences those of state entities.”); SPP TOs Rehearing Request at 14, 29 (similar).

²⁴⁸ WIRES Rehearing Request at 14, 16–17 (asserting that the same set of facts relied on in Order No. 1920 were used to justify the requirements of Order No. 1920–A, such that “there seems little connection between what are essentially the same facts and the choices made”). WIRES here challenges both the compliance filing requirements, discussed above, and certain consultation requirements set forth by Order No. 1920–A, see *infra* Consultation with Relevant State Entities After the Engagement Period section, as arbitrary and capricious for the same reasons.

²⁴⁹ EEI Rehearing Request at 12.

²⁵⁰ *Id.* at 10.

74. MISO TOs, Indicated PJM TOs, SPP TOs, and EEI all argue that the Commission has departed—without sufficient basis or explanation—from its precedent establishing a preference for accepting the compliant just and reasonable compliance proposals of public utilities (or, in the context of the NGA, natural-gas companies), rather than competing proposals.²⁵¹ They assert that this preference is justified (as recognized by Commission precedent) because public utilities have the primary initiative to set their rates, terms, and conditions of service and because, should the Commission adopt a compliance proposal from an entity other than the public utility, the public utility could immediately refile its own proposal under FPA section 205.²⁵²

75. SPP TOs contend that the Commission improperly imposed different requirements on compliance proposals addressing cost allocation for Relevant State Entities versus transmission providers.²⁵³ Specifically, SPP TOs state that compliance filings by transmission providers must comply with five of Order No. 1000's six regional cost allocation principles, but Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process must merely comply with the cost-causation principle and any other legal requirements for cost allocation.²⁵⁴ SPP TOs aver that it is

unclear how the Commission will choose between competing replacement rate proposals given that they are subject to different criteria, and assert that the Commission will struggle to explain a decision to adopt, as the replacement rate, Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process.²⁵⁵

ii. Commission Determination

76. We disagree with arguments raised on rehearing that the Commission failed to comply with the APA in adopting the requirement that transmission providers include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process and associated information in their Order No. 1920 regional transmission planning and cost allocation compliance filings.

77. Under the APA, agency action must be upheld unless it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.²⁵⁶ In *South Carolina*, the D.C. Circuit set forth the standard that the Commission must meet in issuing a rule for the court to find that the Commission met its obligations under the APA:

The Commission must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made. The Commission's factual findings are conclusive if supported by substantial evidence. Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, and requires more than a scintilla but less than a preponderance of evidence. When applied to rulemaking proceedings, the substantial evidence test is identical to the familiar arbitrary and capricious standard, which requires the Commission to specify the evidence on which it relied and to explain how that evidence supports the conclusion it reached.²⁵⁷

78. We disagree with the rehearing petitioners who argue that the requirement that transmission providers include Relevant State Entities' agreed-

upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their compliance filings fails to satisfy these requirements. Specifically, we disagree with the arguments by MISO TOs, Indicated PJM TOs, SPP TOs, and EEI that the Commission failed to explain why states did not already have adequate opportunities to provide input on regional transmission cost allocation issues through previously existing processes. Recognizing the increased importance of state engagement regarding cost allocation for Long-Term Regional Transmission Facilities, the Commission in Order No. 1920 established the Engagement Period and required transmission providers on compliance to explain how they complied with the requirement to provide a forum for negotiation of a Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process that enables meaningful participation by Relevant State Entities.²⁵⁸ In Order No. 1920–A, the Commission reiterated that it is critical to the success of the Long-Term Regional Transmission Planning reforms that states have an opportunity to have a significant role in the establishment of just and reasonable Long-Term Regional Transmission Cost Allocation Methods and State Agreement Processes.²⁵⁹ Consistent with these findings, when the Commission adopted the requirement that transmission providers include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process, and any information relevant thereto, in their compliance filings, the Commission found that the additional requirement would allow it to better evaluate whether transmission providers have complied with Order No. 1920's requirement to provide a forum for negotiations that enables meaningful participation by Relevant State Entities during the Engagement Period.²⁶⁰ The Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process agreed upon by Relevant State Entities during the Engagement Period are thus evidence for compliance purposes that will assist the Commission as it determines and fixes the replacement rate.

79. Moreover, receiving Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement

²⁵¹ See MISO TOs Rehearing Request at 33–38 (arguing that the Commission failed to provide adequate reasoning to support this decision); Indicated PJM TOs Rehearing Request at 18–20; *id.* at 21 (arguing that “the Commission does not explain how these considerations [that it identified as supporting its approach in Order No. 1920–A] are any different in the planning process under Order No. 1920 and 1920–A than they are in the planning processes under other prior rule changes” such as Order No. 1000); SPP TOs Rehearing Request at 16–17; *id.* at 30 (arguing that this departure from the Commission's approach in other contexts is arbitrary and capricious); EEI Rehearing Request at 10–11. These petitioners cite several Commission decisions reflecting this preference, *see, e.g., PJM Interconnection, L.L.C.*, 119 FERC ¶ 61,318 at P 115 n.124; *Midwest Indep. Transmission Sys. Operator, Inc.*, 122 FERC ¶ 61,084, at P 21 n.18 (2008); *PJM Interconnection, L.L.C.*, 117 FERC ¶ 61,331, at P 85 (2006); *Kern River Gas Transmission Co.*, Opinion No. 486–F, 142 FERC ¶ 61,132 at P 37 & n.50; *ANR Pipeline Co.*, 109 FERC ¶ 61,138, at P 28 (2004), *order on reh'g*, 111 FERC ¶ 61,113, at P 19 (2005), as well as certain judicial decisions, *see, e.g., Emera Maine*, 854 F.3d at 674; *Pub. Serv. Comm'n of N.Y. v. FERC*, 642 F.2d 1335, 1343–44 (D.C. Cir. 1980); *ANR Pipeline Co. v. FERC*, 771 F.2d 507, 514 (D.C. Cir. 1985); *Consol. Edison Co. v. FERC*, 165 F.3d 992, 1000 (D.C. Cir. 1999).

²⁵² *See, e.g.,* MISO TOs Rehearing Request at 33–35; *id.* at 37–38 (arguing that Order No. 1920–A creates a layer of bureaucratic delay); Indicated PJM TOs Rehearing Request at 18–21.

²⁵³ *See* SPP TOs Rehearing Request at 20–21.

²⁵⁴ *See id.*; *see also id.* at 7 (arguing that Order No. 1920–A violates the structure of FPA sections

205 and 206 because it imposes on transmission providers a higher burden than on Relevant State Entities).

²⁵⁵ *See id.*

²⁵⁶ 5 U.S.C. 706(2)(A).

²⁵⁷ *South Carolina*, 762 F.3d at 54 (quotation marks omitted) (citing *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983); 16 U.S.C. 825(l)(b); *Murray Energy Corp. v. FERC*, 629 F.3d 231, 235 (D.C. Cir. 2011); *Fla. Gas Transmission Co. v. FERC*, 604 F.3d 636, 645 (D.C. Cir. 2010); *Wis. Gas Co. v. FERC*, 770 F.2d 1144, 1156 (D.C. Cir. 1985)).

²⁵⁸ Order No. 1920, 187 FERC ¶ 61,068 at PP 126, 1354, 1357.

²⁵⁹ Order No. 1920–A, 189 FERC ¶ 61,126 at PP 649, 654–657.

²⁶⁰ *Id.*

Process, and any information relevant thereto, in tandem with transmission providers' compliance filings is procedurally consistent with the Commission's intention, as stated in Order No. 1920–A, to review the entire record in determining and fixing a replacement rate. We further conclude that, in these circumstances, there is significant administrative efficiency in receiving these materials together, as—for instance—it will allow interested stakeholders to comment simultaneously on both transmission providers' proposal and Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process. We anticipate that this process will provide the Commission with a more comprehensive, better-developed record for the exercise of its FPA section 206 authority to determine and fix the replacement rate.²⁶¹

80. Rehearing petitioners argue that there are other avenues available for Relevant State Entities to present their views, such as through protests.²⁶² But the availability of such alternative approaches, and rehearing petitioners' view that they are adequate or preferable, does not render Order No. 1920–A's requirements unjust and unreasonable or arbitrary and capricious.²⁶³ The Commission has adequately explained and supported the approach that it adopted in Order No. 1920–A.

81. We also disagree with MISO TOs' and SPP TOs' arguments that Order No. 1920–A's compliance filing requirements are inconsistent with the Commission's determination that transmission providers have the obligation, subject to Commission oversight, to engage in transmission planning and cost allocation. Order No. 1920–A is clear that, as in Order No. 1920, transmission providers decide what to submit as their actual Order No. 1920 compliance proposal, including relevant tariff language and supporting

evidence or arguments, whether they decide to propose the Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process or a different Long-Term Regional Transmission Cost Allocation Method.²⁶⁴ This requirement therefore does not diminish transmission providers' role in transmission planning and cost allocation matters. Further, Order No. 1920–A retains the Commission's oversight of transmission providers' transmission planning and cost allocation, as the Commission will exercise its authority under FPA section 206 to determine the replacement rate on compliance.²⁶⁵

82. We disagree with WIRES that Order No. 1920–A is arbitrary and capricious because, in WIRES' opinion, Order No. 1920–A “adopts an adversarial approach” that is “likely to engender years of costly litigation that would cast a cloud over successfully siting and developing critically needed transmission in a timely manner.”²⁶⁶ To begin with, as rehearing petitioners recognize,²⁶⁷ absent Order No. 1920–A's requirement that transmission providers include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their compliance filings, Relevant State Entities would be able to submit their agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in comments in opposition to transmission providers' compliance filings. Therefore, were a transmission provider to choose not to propose Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process on compliance, the proceedings related to the transmission provider's compliance filing could still result in disagreement between the transmission provider and Relevant State Entities, regardless of whether the Commission required transmission providers to include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their compliance filings. However, as discussed above, the

requirement that transmission providers include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their compliance filings, as well as any information that Relevant State Entities provide to them regarding the state negotiations during the Engagement Period, will allow the Commission to better evaluate whether transmission providers have complied with Order No. 1920's requirement to provide a forum for negotiations that enables meaningful participation by Relevant State Entities during the Engagement Period.²⁶⁸ Moreover, we believe that ensuring that such a forum exists—and verifying compliance with this requirement—is likely to reduce the prospect of disputes over cost allocation methods by ensuring Relevant State Entities' views are considered by transmission providers and therefore that their participation is meaningful.²⁶⁹ Therefore, on balance, the Commission reasonably required that transmission providers include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their compliance filings.

83. We also disagree with WIRES' argument that the Commission's adoption of Order No. 1920–A's “compliance mandates” is arbitrary and capricious because the Commission in Order No. 1920–A “defend[ed] its amendments by using the same justification relied upon in Order No. 1920.”²⁷⁰ In Order No. 1920–A, the Commission “weighed [the] competing views” presented by rehearing petitioners and, based upon the substantial evidence it identified in Order No. 1920, concluded that the requirement that transmission providers include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their compliance filings is just and reasonable.²⁷¹ The

²⁶¹ *Id.* P 659.

²⁶² *See, e.g.*, EEI Rehearing Request at 9–10; SPP TOs Rehearing Request at 17–18, 29; WIRES Rehearing Request at 14.

²⁶³ *See, e.g.*, *EPSA*, 577 U.S. at 292 (“A court is not to ask whether a regulatory decision is the best one possible or even whether it is better than the alternatives. Rather, the court must uphold a rule if the agency has ‘examine[d] the relevant [considerations] and articulate[d] a satisfactory explanation for its action[.] including a rational connection between the facts found and the choice made.’” (alterations in original) (quoting *State Farm*, 463 U.S. at 43)); *Entergy*, 40 F.4th at 701–02 (“[A]t bottom, Petitioners simply argue that, in its view, a better method exists. But [the Commission] is not required to choose the best solution, only a reasonable one.” (quotation marks and citation omitted)).

²⁶⁴ Order No. 1920–A, 189 FERC ¶ 61,126 at P 654 n.1651 (“The requirement to include Relevant State Entities' Long-Term Regional Transmission Cost Allocation Method and/or State Agreement Process as an addition to the compliance filing does not constitute a ‘proposal’ from the transmission provider.”).

²⁶⁵ *Id.* P 659.

²⁶⁶ WIRES Rehearing Request at 14.

²⁶⁷ *See, e.g.*, EEI Rehearing Request at 9–10; SPP TOs Rehearing Request at 17–18, 29; WIRES Rehearing Request at 14.

²⁶⁸ We note that no rehearing petitioners challenge the requirements of Order Nos. 1920 and 1920–A regarding the Engagement Period.

²⁶⁹ *E.g.*, Order No. 1920, 187 FERC ¶ 61,068 at P 124 (“As the Commission discussed in the NOPR and we continue to find in this final rule, facilitating state regulatory involvement in the cost allocation process could minimize delays and additional costs associated with state and local siting proceedings.”).

²⁷⁰ WIRES Rehearing Request at 15.

²⁷¹ *See Entergy*, 40 F.4th at 701–02 (“It is not our job to determine that ‘FERC made the better call,’ rather, our ‘important but limited role is to ensure that the Commission engaged in reasoned decisionmaking.’” (quoting *EPSA*, 577 U.S. at 295)). *See also* Order No. 1920–A, 189 FERC ¶ 61,126 at P 649 (“As the Commission recognized in Order No. 1920, and we reiterate in this order, it is critical to

Commission further concluded that this and other requirements adopted in Order No. 1920—A strike a reasonable balance between, on the one hand, recognizing the rights and responsibilities of the Commission and transmission providers over regional transmission planning and, on the other, the states' critical interests in the resulting Long-Term Regional Transmission Facilities and how the costs associated with those facilities will be allocated.²⁷² Therefore, the Commission's decision-making in this regard satisfies the APA.

84. We also are not persuaded by EEI's argument that the unique role of Relevant State Entities does not relate to cost allocation or justify the requirement that transmission providers include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their compliance filings.²⁷³ In Order No. 1920—A, the Commission reiterated that states play a unique role in Long-Term Regional Transmission Planning, as their laws, regulations, and policies drive the need for Long-Term Regional Transmission Facilities, and they typically will have responsibility to consider and approve the siting, permitting, and construction of Long-Term Regional Transmission Facilities selected in a regional transmission plan.²⁷⁴ As such, states affect whether Long-Term Regional Transmission Facilities are timely, efficiently, and cost-effectively developed such that customers actually receive the benefits associated with the selection of more efficient or cost-effective transmission solutions.²⁷⁵ The effect of Relevant State Entities' decisions on such timely, efficient, and cost-effective development of Long-Term Regional Transmission Facilities directly relates to the allocation of costs for those facilities. It is therefore reasonable to require that transmission providers provide the Commission with any Long-Term Regional Transmission Cost Allocation Method(s) and/or State

Agreement Process that Relevant State Entities have agreed upon.

85. Further, we disagree with EEI that stakeholders are likely to be confused as to whether they should provide feedback on the transmission provider's proposal or the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process that Relevant State Entities have agreed upon.²⁷⁶ As the Commission clarified in Order No. 1920—A, any Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process agreed upon by Relevant State Entities and included in a transmission provider's transmittal or as an attachment to its compliance filing does not constitute a proposal from the transmission provider. Furthermore, commenters may provide their support for, or feedback on, either or both the transmission provider's proposal and any Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process agreed upon by Relevant State Entities.

86. We disagree with MISO TOs, Indicated PJM TOs, SPP TOs, and EEI that the Commission departed—without sufficient basis or explanation—from its precedent establishing a preference for accepting compliant, just and reasonable compliance proposals of public utilities rather than competing proposals.²⁷⁷ The Supreme Court has held that “agency action representing a policy change [need not] be justified by reasons more substantial than those required to adopt a policy in the first instance.”²⁷⁸ Rather, where an agency changes its position, “it suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency *believes* it to be better, which the conscious change of course adequately indicates.”²⁷⁹

87. Order No. 1920—A satisfies these requirements. First, as explained above,²⁸⁰ the Commission's typical practice of accepting compliant just and reasonable compliance proposals of public utilities rather than competing proposals is just that: a practice, not a requirement of the FPA. Next, in Order No. 1920—A, the Commission recognized that, while it generally does not consider alternate compliance

proposals other than those filed by the relevant public utility,²⁸¹ there are “good reasons” for considering Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in addition to transmission providers' proposals here.²⁸² Specifically, and as discussed: (1) states play a unique role in Long-Term Regional Transmission Planning;²⁸³ (2) states affect whether Long-Term Regional Transmission Facilities are timely, efficiently, and cost-effectively developed;²⁸⁴ and (3) given the inherent uncertainty involved in planning to meet Long-Term Transmission Needs, state-developed cost allocation methods and State Agreement Processes take on heightened importance.²⁸⁵ The Commission thus adequately explained its belief, based on these “good reasons,” that considering Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process along with the transmission provider's proposal is not simply warranted, but “better” than considering the transmission provider's proposal alone and to the exclusion of alternatives.²⁸⁶

88. We recognize that, even if the Commission adopts Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process as the replacement rate under FPA section 206, transmission providers may subsequently file an FPA section 205 proposal seeking to implement their preferred approach to cost allocation.²⁸⁷ Nonetheless, we sustain Order No. 1920—A's determination that the Commission will consider the entire record on compliance in selecting the replacement rate and may permissibly adopt Relevant State Entities' agreed-upon approach. While transmission providers' ability to submit an FPA section 205 filing of their own initiative proposing a set of preferred rates is a consideration the Commission has

the success of the Long-Term Regional Transmission Planning reforms that states have an opportunity to have a significant role in the establishment of just and reasonable Long-Term Regional Transmission Cost Allocation Methods and State Agreement Processes.” (citing Order No. 1920, 187 FERC ¶ 61,068 at P 1415)); *id.* P 659 (citing Order No. 1920, 187 FERC ¶ 61,068 at PP 124, 126, 268, 1293, 1362–1364, 1404, 1407, 1410–1411, 1415, 1477, 1515).

²⁷² Order No. 1920—A, 189 FERC ¶ 61,126 at P 660.

²⁷³ See EEI Rehearing Request at 12.

²⁷⁴ Order No. 1920—A, 189 FERC ¶ 61,126 at P 659.

²⁷⁵ *Id.* (citing Order No. 1920, 187 FERC ¶ 61,068 at PP 124, 126, 268, 1293, 1362–1364, 1404, 1407, 1410–1411, 1415, 1477, 1515).

²⁷⁶ See EEI Rehearing Request at 10.

²⁷⁷ See MISO TOs Rehearing Request at 33–38; Indicated PJM TOs Rehearing Request at 18–21; SPP TOs Rehearing Request at 16–17, 30; EEI Rehearing Request at 10–11.

²⁷⁸ *FCC v. Fox Television Stations, Inc.*, 556 U.S. at 514.

²⁷⁹ *Id.* at 515.

²⁸⁰ See *supra* Requirements Concerning Relevant State Entities' Agreed-upon Cost Allocation Methods, Statutory Filing Rights Under the FPA section.

²⁸¹ Order No. 1920—A, 189 FERC ¶ 61,126 at P 659 (citing *PJM Interconnection, L.L.C.*, 173 FERC ¶ 61,134 at P 117 n.175; *PJM Interconnection, L.L.C.*, 119 FERC ¶ 61,318 at P 115; *ANR Pipeline Co.*, 110 FERC ¶ 61,069 at P 49).

²⁸² *Id.* P 659.

²⁸³ *Id.*; *supra* P 84.

²⁸⁴ Order No. 1920—A, 189 FERC ¶ 61,126 at P 659 (citing Order No. 1920, 187 FERC ¶ 61,068 at PP 124, 126, 268, 1293, 1362–1364, 1404, 1407, 1410–1411, 1415, 1477, 1515); *supra* P 84.

²⁸⁵ Order No. 1920—A, 189 FERC ¶ 61,126 at P 659 (citing Order No. 1920, 187 FERC ¶ 61,068 at P 227).

²⁸⁶ *FCC v. Fox Television Stations, Inc.*, 556 U.S. at 514–15.

²⁸⁷ See MISO TOs Rehearing Request at 35, 37–38; Indicated PJM TOs Rehearing Request at 20–21.

identified as relevant to our typical approach to assessing compliance filings,²⁸⁸ this consideration—standing alone—cannot render it inherently arbitrary and capricious for the Commission to require, in FPA section 206 proceedings, a replacement rate other than the one proposed by the transmission provider. A contrary conclusion would effectively amend FPA section 206, removing the Commission as the entity that “determine[s] the just and reasonable rate . . . to be thereafter observed and in force.”²⁸⁹ As discussed above, this is not the design Congress enacted.²⁹⁰

89. We disagree with SPP TOs’ argument that the Commission improperly imposed different requirements on Long-Term Regional Transmission Cost Allocation Methods agreed upon by Relevant State Entities—which need not comply with any of the Order No. 1000 regional cost allocation principles—and Long-Term Regional Transmission Cost Allocation Methods to which Relevant State Entities do not agree—which must comply with Order No. 1000 regional cost allocation principles (1) through (5).²⁹¹ We reiterate that all cost allocation methods must comply with the cost causation principle, as required by the FPA.²⁹² We also continue to find that although there are different requirements for cost allocation methods resulting from a State Agreement Process or Long-Term Regional Transmission Cost Allocation Method that Relevant State Entities indicate that they have agreed to and have asked transmission providers to file, as compared to Long-Term Regional Transmission Cost Allocation Methods to which states do not agree, this distinction is appropriate to afford flexibility in order to encourage their use of these methods, which are likely to facilitate agreement over development of such Long-Term Regional Transmission Facilities and thus facilitate the selection of more efficient or cost-effective Long-Term Regional Transmission Facilities.²⁹³ We

further find speculative and disagree with SPP TOs’ assertion that the Commission will struggle to explain a decision to adopt Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process as the replacement rate. If the Commission fixes Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process as the replacement rate, the Commission will necessarily and intelligibly explain why that method(s) and/or process complies with the final rule based on support in the record.²⁹⁴

c. Cooperative Federalism

i. Rehearing Requests

90. SPP TOs argue that Order No. 1920–A is contrary to the FPA’s structure of cooperative federalism because “[t]here is a very real possibility that a proposal could be added to a compliance filing despite one or more of the Relevant State Entities’ opposition.”²⁹⁵ In this respect, SPP TOs differentiate Order No. 1920–A from the Commission action at issue in the Supreme Court’s decision in *EPSA*, asserting that the Court there upheld the Commission’s “treatment of demand response resources in wholesale markets [because it] did not ‘negate state decisions’ regarding retail demand response programs on the basis that there was a ‘veto power . . . granted to the States.’”²⁹⁶

ii. Commission Determination

91. We are not persuaded by SPP TOs’ argument invoking cooperative federalism principles. The Supreme Court in *EPSA* addressed arguments that the Commission’s regulation of demand response, pursuant to the Commission’s authority over wholesale markets, allegedly intruded on a particular area of reserved state authority over retail rates.²⁹⁷ SPP TOs do not point to a similar alleged intrusion on a particular

area of reserved state authority here. Moreover, even in that context where reserved state authority was implicated, *EPSA* did not describe the state veto power afforded in the Commission’s order on demand response as “dispositive” as SPP TOs contend,²⁹⁸ but rather as a “finishing blow . . . [that] removes any conceivable doubt as to [the order’s] compliance with [FPA section 201(b)]’s allocation of federal and state authority.”²⁹⁹ In other words, the Court treated the state “veto power” in that case as confirming the Commission’s compliance with principles of cooperative federalism, having already discussed at length why the Commission, regulating within the areas of its jurisdiction, was not intruding on state prerogatives.³⁰⁰ We further note that, in Order No. 1920–A, the Commission explained that it would defer to the Relevant State Entities themselves to determine what constitutes “agreement” on a Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process.³⁰¹ Accordingly, we continue to find that the Commission’s approach in Order No. 1920–A is consistent with the division of responsibility set forth in the FPA, consistent with our discussion in Order No. 1920–A.³⁰²

d. Sub-Delegation

i. Rehearing Requests

92. MISO TOs and SPP TOs assert that the Commission in Order No. 1920–A impermissibly sub-delegated its authority to Relevant State Entities.³⁰³ MISO TOs argue that the Commission is giving Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process “heightened importance” over those of transmission providers, with the effect of permitting Relevant State Entities to set interstate transmission rates.³⁰⁴ MISO TOs state

²⁹⁸ SPP TOs Rehearing Request at 31.

²⁹⁹ *EPSA*, 577 U.S. at 287–88.

³⁰⁰ See *id.* at 281–87 (concluding the Commission’s order was consistent with FPA section 201(b) notwithstanding that it “affects—even substantially—the quantity or terms of retail sales” because it “addresses—and addresses only—transactions occurring on the wholesale market” that are within the Commission’s jurisdiction, and the Commission’s regulatory justification “are all about, and only about, improving the wholesale market”).

³⁰¹ Order No. 1920–A, 189 FERC ¶ 61,126 at P 654 (citing Order No. 1920, 187 FERC ¶ 61,068 at P 1360).

³⁰² *Id.* PP 135–165.

³⁰³ See MISO TOs Rehearing Request at 8, 9–10, 38–41; SPP TOs Rehearing Request at 32–34.

³⁰⁴ MISO TOs Rehearing Request at 38–41 (arguing that the “most reasonable way to interpret the rule is that the Commission is empowering

Continued

²⁸⁸ See *PJM Interconnection, L.L.C.*, 173 FERC ¶ 61,134 at P 117 n.175 (“Because PJM may make a section 205 filing to revise these Tariff provisions, we find it reasonable to accept PJM’s proposal over alternatives if PJM’s proposal is just and reasonable.”).

²⁸⁹ 16 U.S.C. 824e(a).

²⁹⁰ See *supra* Requirements Concerning Relevant State Entities’ Agreed-upon Cost Allocation Methods, Statutory Filing Rights Under the FPA section.

²⁹¹ See SPP TOs Rehearing Request at 7, 20–21.

²⁹² Order No. 1920–A, 189 FERC ¶ 61,126 at P 763 (citing Order No. 1920, 187 FERC ¶ 61,068 at P 1305 & n.2786).

²⁹³ Order No. 1920, 187 FERC ¶ 61,068 at P 1477; see also Order No. 1920–A, 189 FERC ¶ 61,126 at

P 763 (citing Order No. 1920, 187 FERC ¶ 61,068 at P 1477).

²⁹⁴ See *Entergy*, 40 F.4th at 701–02.

²⁹⁵ SPP TOs Rehearing Request at 30–31 (“[U]nder Order No. 1920–A, some state policies could be imposed, not only on the transmission provider, but on dissenting states if the Commission used its claimed power to accept favored compliance filings reached through any means other than unanimity.”); see also *id.* at 31 (“When the outcome of the Engagement Period process was merely advisory as the Commission originally ordered in Order No. 1920, the methodology developed during the Engagement Period could only be filed with the Commission on compliance if adopted by the transmission provider *as its own*.”).

²⁹⁶ *Id.* (quoting *EPSA*, 577 U.S. at 288).

²⁹⁷ See *EPSA*, 577 U.S. at 281–82.

that statutory authority to determine whether transmission rates are unwarranted or excessive lies with the Commission, under the FPA, and cannot be sub-delegated to state commissions.³⁰⁵ SPP TOs assert that the Commission “effectively purports to delegate the right to file compliance filings—which [is] granted to public utilities under the FPA—to the states,” which is impermissible under *Atlantic City I* and other cases, but also not within the set of circumstances in which federal agencies may sub-delegate matters to the states.³⁰⁶ SPP TOs also assert that under Order No. 1920–A “the Commission will, in practice, show a high degree of deference to alternative state proposals that would be tantamount to a sub-delegation of Commission authority to the states.”³⁰⁷

ii. Commission Determination

93. We find arguments that the Commission has unlawfully sub-delegated its authority³⁰⁸ are incorrect because there is no sub-delegation, impermissible or otherwise, of Commission authority here.³⁰⁹ Contrary to MISO TOs’ and SPP TOs’ claims, the Commission has not sub-delegated to states its FPA section 206 authority to determine the replacement rate: the Commission has expressly stated that it will consider the entire record before it and, itself, determine the replacement rate.³¹⁰ That the Commission will entertain on compliance Relevant State

states with such new ‘authority,’ permitting Relevant State Entities to dictate transmission cost allocation, critically, over the objection of the filing utility itself”).

³⁰⁵ *Id.* at 39–41 (citing Order No. 1920–A, 189 FERC ¶ 61,126 (Christie, Comm’r, concurring at P 3)).

³⁰⁶ SPP TOs Rehearing Request at 32–33 (citing *U.S. Telecom Ass’n v. FCC*, 359 F.3d 554, 565, 567–68 (D.C. Cir. 2004) (*U.S. Telecom*)).

³⁰⁷ *Id.* at 33–34.

³⁰⁸ See MISO TOs Rehearing Request at 8, 9–10, 38–41; SPP TOs Rehearing Request at 32–34.

³⁰⁹ *U.S. Telecom* does not support MISO TOs’ or SPP TOs’ arguments. There, the FCC had extensively sub-delegated its authority over unbundling of mass market switches to state commissions—indeed, there was no dispute that such a sub-delegation had occurred, with the FCC arguing instead that the sub-delegation was permissible. See *U.S. Telecom*, 359 F.3d at 564–68. Here, by contrast, the compliance process set forth in Order No. 1920–A as to cost allocation provides a vehicle for the receipt of Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process and the Commission retains all decision-making authority under FPA section 206 to determine the replacement rate.

³¹⁰ Order No. 1920–A, 189 FERC ¶ 61,126 at P 659; see also *supra* P 68 (explaining that the Commission expects to determine the replacement rate on a case-by-case basis, consistent with its authority and discretion to select from the range of just and reasonable replacement rates).

Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process, *in addition* to any proposals made by transmission providers, and may fix one of those as the replacement rate does not suggest that the Commission has abdicated to states the Commission’s clear and exclusive authority to determine and fix the replacement rate under FPA section 206. SPP TOs’ argument that the Commission has unlawfully sub-delegated to states the right to make compliance filings, which—SPP TOs claim—is granted solely to public utilities, is also mistaken. As explained above, the compliance process assists the Commission in determining the replacement rate, under FPA section 206. Order No. 1920–A requires that transmission providers—not states—make compliance filings, and sets out the information that transmission providers must include in those filings. Arguments that Order No. 1920–A intrudes on public utilities’ rights or unlawfully assigns those rights to Relevant State Entities are incorrect.³¹¹

e. First Amendment

i. Rehearing Requests

94. Indicated PJM TOs argue that the requirement to include Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in transmission providers’ compliance filings is governmentally compelled speech that violates the First Amendment to the Constitution.³¹² Indicated PJM TOs assert that the First Amendment protects the right to petition the government, including through filings with courts and administrative agencies.³¹³ Indicated PJM TOs contend that the compliance filing requirement violates their rights not to speak by mandating that a public utility present views with which it disagrees when filing its own

³¹¹ See *supra* Requirements Concerning Relevant State Entities’ Agreed-upon Cost Allocation Methods, Statutory Filing Rights Under the FPA section.

³¹² Indicated PJM TOs Rehearing Request at 29–34 (citing, *inter alia*, *Pac. Gas & Elec. Co. v. Pub. Util. Comm’n of Cal.*, 475 U.S. 1, 12–14 (1986) (*PG&E*)); cf. SPP TOs Rehearing Request at 13–14 (arguing that requiring a transmission provider to include Relevant State Entities’ information with its own commandeers the transmission provider’s compliance filing, citing *PG&E*, 475 U.S. 1).

³¹³ Indicated PJM TOs Rehearing Request at 29 (citing U.S. Const. amend. I; *E. R.R. Presidents Conf. v. Noerr Motor Freight, Inc.*, 365 U.S. 127, 138 (1961); *Cal. Motor Transp. Co. v. Trucking Unlimited*, 404 U.S. 508, 510 (1972); *White v. Lee*, 227 F.3d 1214, 1231 (9th Cir. 2000)).

proposal.³¹⁴ Indicated PJM TOs state that the Supreme Court has held that “the government may not require that an entity present views with which it disagrees when it engages in expressive speech.”³¹⁵ They compare this case to the Supreme Court’s decision in *PG&E*, which overturned a state regulation requiring a utility to include material from a consumer advocacy group in a newsletter regularly included in the utility’s billing envelopes expressing the utility’s views of energy policy.³¹⁶

95. Indicated PJM TOs state that the Order No. 1920–A compliance filing requirement at issue here would not meet the strict scrutiny standard under the First Amendment, asserting that it is not content neutral because it is “intended to give more weight to the views of [Relevant State Entities] in the Order No. 1920 context than it normally would give in other proceedings” and that there is no compelling government interest justifying the requirement.³¹⁷ Indicated PJM TOs also argue that the compliance filing requirement would not survive the intermediate scrutiny standard, stating that it is not narrowly tailored to achieve the Commission’s stated interest, and burdens substantially more of transmission providers’ First Amendment petitioning right than necessary to advance that interest.³¹⁸

96. Indicated PJM TOs assert that the limitations the Commission imposed on the compliance filing requirement—that transmission providers do not need to separately characterize or justify Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process—do not obviate this alleged First Amendment violation.³¹⁹ They also state that it is “inconsequential that the Commission knows and understands that the [Relevant State Entities’] proposal is not the public utility transmission provider’s proposal.”³²⁰ Indicated PJM TOs assert specifically that the state-generated information at issue is not relevant to the transmission provider’s rate proposal, but rather the compliance

³¹⁴ *Id.* at 30–32 (citing *PG&E*, 475 U.S. at 12–14; *Moody v. Natchez, LLC*, 603 U.S. 707, 726–33 (2024); *Wooley v. Maynard*, 430 U.S. 705, 714 (1977); *United States v. United Foods, Inc.*, 533 U.S. 405, 409–10 (2001)).

³¹⁵ *Id.* at 30 (citing *Moody*, 603 U.S. at 726–33).

³¹⁶ See *id.* (discussing *PG&E*, 475 U.S. at 12–14).

³¹⁷ *Id.* at 31–32.

³¹⁸ *Id.* at 32–33 (arguing that states have other opportunities to make their views known, rendering the requirement unnecessary).

³¹⁹ See *id.* at 33.

³²⁰ *Id.* at 33–34 (citing *Moody*, 603 U.S. at 739–40; *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 655 (1994)).

filing requirement mandates that transmission providers submit information that “undermines the public utility transmission provider’s own advocacy.”³²¹

ii. Commission Determination

97. We disagree with the arguments raised on rehearing by Indicated PJM TOs that the requirement that transmission providers include Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their Order No. 1920 regional transmission planning and cost allocation compliance filings violates the First Amendment.³²² We agree as a general matter that transmission providers have First Amendment rights.³²³ However, Order No. 1920–A does not implicate those rights. Order No. 1920–A imposes no actual burden or limitation on transmission providers’ speech, but instead requires nothing more than the attachment of one or more files, containing the information provided by Relevant State Entities, to transmission providers’ compliance proposals under FPA section 206.

98. As explained, given states’ unique role in Long-Term Regional Transmission Planning and the heightened importance of state-developed cost allocation methods and State Agreement Processes, the Commission will consider the entire record—including the Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process and the transmission provider’s proposal—when setting the replacement rate.³²⁴ The requirement that transmission providers include Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their compliance filings assists the Commission in monitoring compliance with the requirements related to the Engagement Period, allows the Commission to efficiently consider the views of both Relevant State Entities and transmission providers, and helps ensure that the Commission has a sufficient record on compliance to set a just and reasonable replacement rate.³²⁵ Correctly viewed in

this light, the compliance requirements of Order No. 1920–A do not compel speech in violation of the First Amendment. Indeed, a myriad of Commission orders have similarly directed public utilities, following a finding that an existing rate is unjust, unreasonable, and unduly discriminatory, to submit information they otherwise would not submit that is necessary for the Commission to determine whether they have met the relevant orders’ requirements.³²⁶ Considering the critical importance of Relevant State Entities’ views as to how the costs of Long-Term Regional Transmission Facilities will be allocated,³²⁷ the requirement that transmission providers include information concerning those views in their compliance filings is akin to any other “informational requirement[] that public utilities must follow to support their filings”³²⁸ and, therefore, does not implicate any First Amendment concerns.³²⁹

³²⁶ For example, transmission providers’ First Amendment rights were not implicated by Order No. 1000’s directive that transmission providers propose on compliance an *ex ante* method(s) for allocating the costs of new transmission facilities selected in the regional transmission plan for purposes of cost allocation and show on compliance (*i.e.*, provide record evidence) that this proposed method(s) is just and reasonable and not unduly discriminatory by, *inter alia*, demonstrating that it satisfies the regional cost allocation principles. Order No. 1000, 136 FERC ¶ 61,051 at PP 558, 603. As in Order No. 1000, Order No. 1920–A requires that transmission providers provide the necessary record evidence—which, given the importance of states’ views on cost allocation, necessarily includes those views—for the Commission to act on transmission providers’ compliance filings.

³²⁷ Order No. 1920–A, 189 FERC ¶ 61,126 at P 649.

³²⁸ Indicated PJM TOs Rehearing Request at 29. See also Order No. 1920–A, 189 FERC ¶ 61,126 at P 657 (“[W]e direct these facilitation and informational requirements on compliance pursuant to the Commission’s authority under FPA section 206.”); *supra* The Statutory Text and Structure, and Applicable Precedent, Support the Commission’s Order No. 1920–A Approach section.

³²⁹ *Full Value Advisors, LLC v. SEC*, 633 F.3d 1101, 1108–09 (D.C. Cir. 2011) (holding that required disclosures of information related to the securities over which institutional managers exercise control “are indistinguishable from other underlying and oft unnoticed forms of disclosure the Government requires for its ‘essential operations.’” (quoting *W. Va. State Bd. of Educ. v. Barnett*, 319 U.S. 624, 645 (1943) (Murphy, J., concurring)); *United States v. Sindel*, 53 F.3d 874, 878 (8th Cir. 1995) (holding that disclosures required by the Internal Revenue Service did not implicate the First Amendment); *Scahill v. District of Columbia*, 909 F.3d 1177, 1185 (D.C. Cir. 2018); see also *Ohrlik v. Ohio State Bar Ass’n*, 436 U.S. 447, 456 (1978) (“Numerous examples could be cited of communications that are regulated without offending the First Amendment, such as the exchange of information about securities, corporate proxy statements, the exchange of price and production information among competitors, and employers’ threats of retaliation for the labor activities of employees.” (citations omitted)).

99. Further, we disagree with Indicated PJM TOs’ contention that “the Commission is not requiring the transmission provider to file state-generated information that is relevant to the Commission’s decision on the *transmission provider’s rate proposal*.”³³⁰ Given the importance of Relevant State Entities’ views as to how the costs of Long-Term Regional Transmission Facilities will be allocated, we find that those views—and any agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process—are relevant to the Commission’s decision on the transmission provider’s rate proposal.³³¹ Moreover, even if this material were not relevant to the assessment of transmission providers’ proposals, this would not alter our conclusion that Order No. 1920–A’s requirements do not impinge on transmission providers’ First Amendment rights, as discussed below.³³²

³³⁰ Indicated PJM TOs Rehearing Request at 34 (emphasis in original). Cf. Order No. 1920–A, 189 FERC ¶ 61,126 at P 659 (“[T]he Commission will consider the entire record—including the Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method and/or State Agreement Process and the transmission provider’s proposal—when setting the replacement rate.”).

³³¹ See Order No. 1920–A, 189 FERC ¶ 61,126 at P 657 (“We find that these additional requirements will allow the Commission to better evaluate whether transmission providers have complied with Order No. 1920’s requirement to provide a forum for negotiation that enables meaningful participation by Relevant State Entities during the Engagement Period.” (citing Order No. 1920, 187 FERC ¶ 61,068 at P 1357)).

³³² We further note that the Commission regularly requires public utilities to submit information relevant to other entities’ proposals or positions on issues. See, e.g., *pro forma* Large Generator Interconnection Procedures, § 11.3 (Execution and Filing) (requiring, when an interconnection customer determines that negotiations with the transmission provider on the terms of the Large Generator Interconnection Agreement (LGIA) are at an impasse and requests that the transmission provider submit the unexecuted LGIA to the Commission, that the transmission provider “shall file the LGIA with FERC, together with its explanation of any matters as to which Interconnection Customer and Transmission Provider disagree”); *Wholesale Competition in Regions with Organized Elec. Mkts.*, Order No. 719, 73 FR 64100 (Oct. 28, 2008), 125 FERC ¶ 61,071, at P 274 (2008), *order on reh’g*, Order No. 719–A, 74 FR 37776 (Jul. 29, 2009), 128 FERC ¶ 61,059, *order on reh’g*, Order No. 719–B, 129 FERC ¶ 61,252 (2009) (requiring RTOs/ISOs to submit a compliance filing identifying any significant minority views as to remaining barriers to comparable treatment of jurisdictional demand response resources); *Allegheny Elec. Coop., Inc. v. PJM Interconnection, L.L.C.*, 119 FERC ¶ 61,165, at P 14, app., attach. (Data and Document Request to PJM Interconnection, L.L.C.) (2007) (directing PJM, in response to a complaint alleging tariff violations by PJM related to actions taken by PJM management with respect to the submission of reports by the PJM Market Monitoring Unit (MMU), to provide “[c]omplete details of any communications . . .

Continued

³²¹ *Id.* at 34.

³²² See *id.* at 29–34; cf. SPP TOs Rehearing Request at 13–14.

³²³ *PG&E*, 475 U.S. at 8.

³²⁴ Order No. 1920–A, 189 FERC ¶ 61,126 at P 659; *supra* P 29.

³²⁵ See *supra* Requirements Concerning Relevant State Entities’ Agreed-upon Cost Allocation Methods, Statutory Filing Rights Under the FPA section.

100. Turning to Indicated PJM TOs' specific First Amendment claims, as a preliminary matter it is unclear which rights protected by the First Amendment Indicated PJM TOs believe are implicated by Order No. 1920–A. The First Amendment protects against government action abridging both “the freedom of speech” and the right “to petition the government for a redress of grievances.”³³³ Although the Supreme Court has described these two rights as “cognate rights,”³³⁴ the Court has also explained that courts “should not presume there is always an essential equivalence in the two Clauses or that Speech Clause precedents necessarily and in every case resolve Petition Clause claims.”³³⁵ We assume that Indicated PJM TOs' position is that Order No. 1920–A violates both transmission providers' freedom of speech and their right to petition the government,³³⁶ and we therefore address these claims separately.³³⁷

101. As to the First Amendment right to petition, we disagree with Indicated PJM TOs that the requirement that transmission providers include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their compliance filings violates transmission providers' “First Amendment petitioning rights.”³³⁸ The Supreme Court has described the First Amendment right to petition as “allow[ing] citizens to express their ideas, hopes, and concerns to their government,” and a petition as “convey[ing] the special concerns of its author to the government and, in its usual form, request[ing] action by the government to address those concerns.”³³⁹ Assuming, *arguendo*, that transmission providers' filings made in compliance with the requirements of Order Nos. 1920 and 1920–A—or filings made in compliance with the requirements of any Commission order

for that matter³⁴⁰—constitute petitions under the First Amendment,³⁴¹ we find that the requirement that transmission providers include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their compliance filings does not infringe on transmission providers' right to petition. Order No. 1920–A does not prevent transmission providers from “express[ing] their ideas” to the Commission or “request[ing] action by the [Commission] to address [their] concerns.”³⁴² Rather, Order No. 1920–A makes clear that “transmission providers decide what to submit as their actual Order No. 1920 compliance proposal, including relevant tariff language and supporting evidence or arguments, whether they decide to propose the Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process or a different Long-Term Regional Transmission Cost Allocation Method.”³⁴³

102. As to the First Amendment guarantee of freedom of speech, we find that the line of cases Indicated PJM TOs rely on in support of their argument that the compliance requirements of Order No. 1920–A violate transmission providers' right not to speak are inapposite. In both *PG&E* and *Moody*, the Supreme Court reviewed government action regulating the communication of *political* messages to

and amongst the *public*.³⁴⁴ In contrast with the political discourse at issue in *PG&E* and *Moody*, the Supreme Court has held that under the standard articulated in *Central Hudson Gas & Electric Corp. v. Public Service Commission of New York*,³⁴⁵ commercial speech—“that is, expression related solely to the economic interests of the speaker and its audience”³⁴⁶—is entitled to a “‘limited measure of protection, commensurate with its subordinate position in the scale of First Amendment values.’”³⁴⁷ Further, courts have held that the First Amendment is not violated when agencies require the disclosure of information, not to influence public debate, but instead as a means to fulfilling the agencies' statutory mandates.³⁴⁸ Given that Relevant State

³⁴⁴ *PG&E* concerned an order issued by the California Public Utilities Commission requiring PG&E to include third-party political editorials in its monthly billing statements to its customers. *PG&E*, 475 U.S. at 5–6, 12 (describing the audience of these editorials as the “public at large”). In *Moody*, the Supreme Court reviewed a Texas law banning censorship on social-media platforms with over 50 million monthly active users, which officials justified on the basis that those platforms “skewed against politically conservative voices.” *Moody*, 603 U.S. at 718–19, 721.

³⁴⁵ 447 U.S. 557 (1980) (*Central Hudson*).

³⁴⁶ *Id.* at 561; see also *Md. Shall Issue, Inc. v. Anne Arundel Cnty.*, 91 F.4th 238, 248 (4th Cir. 2024) (rejecting the argument that “commercial speech” is limited to speech that “propose[s] a commercial transaction” and describing that argument as “understand[ing] ‘commercial’ far too narrowly”).

³⁴⁷ See *Bd. of Trs. of State Univ. of N.Y. v. Fox*, 492 U.S. 469, 477 (1989) (“Our jurisprudence has emphasized that ‘commercial speech’ . . . is subject to ‘modes of regulation that might be impermissible in the realm of noncommercial expression.’” (quoting *Ohralik*, 436 U.S. at 456)); *Central Hudson*, 447 U.S. at 563 (“The Constitution therefore accords a lesser protection to commercial speech than to other constitutionally guaranteed expression.”); *Bolger v. Youngs Drug Prods. Corp.*, 463 U.S. 60, 64–65 (1983). See also *Rubin v. Coors Brewing Co.*, 514 U.S. 476, 492 (1995) (Stevens, J., concurring) (“The First Amendment generally protects the right not to speak as well as the right to speak. In the commercial context, however, government . . . often requires affirmative disclosures that the speaker might not make voluntarily.” (internal citations omitted)).

³⁴⁸ See *Full Value Advisors, LLC*, 633 F.3d at 1108–09 (“Here the Commission—not the public—is [the regulated entity’s] only audience. The [Dodd–Frank Wall Street Reform and Consumer Protection] Act is an effort to regulate complex securities markets, inspire confidence in those markets, and protect proprietary information in the process. It is not a veiled attempt to ‘suppress unpopular ideas or information or manipulate the public debate through coercion rather than persuasion.’” (citing *Turner Broad. Sys., Inc.*, 512 U.S. at 641)); *Sindell*, 53 F.3d at 878 (“There is no right to refrain from speaking when ‘essential operations of government may require it for the preservation of an orderly society,—as in the case of compulsion to give evidence in court.’ The IRS summons requires [appellant] only to provide the government with information which his clients have given him voluntarily, not to disseminate publicly a message with which he disagrees.”

with any MMU personnel regarding suggested alterations to the State of the Market Report . . . [and] [a]ny and all documents made in connection with such communication(s)”).

³³³ U.S. Const. amend. I.

³³⁴ *Thomas v. Collins*, 323 U.S. 516, 530 (1945).

³³⁵ *Borough of Duryea v. Guarnieri*, 564 U.S. 379, 388 (2011).

³³⁶ See Indicated PJM TOs Rehearing Request at 29–30 (arguing that Order No. 1920–A “compel[s] speech in violation of the First Amendment” and “violat[es] First Amendment petitioning rights”).

³³⁷ *Borough of Duryea*, 564 U.S. at 388 (there is not a presumption of “essential equivalence” in the speech and petition clauses negating the need to address them individually).

³³⁸ Indicated PJM TOs Rehearing Request at 30.

³³⁹ *Borough of Duryea*, 564 U.S. at 388–89 (citing *Sure-Tan, Inc. v. NLRB*, 467 U.S. 883, 896–97 (1984)).

³⁴⁰ *S. Co. Svcs.*, 61 FERC at 62,328–29 (1992) (“A compliance filing is not a change initiated by a utility, but rather is a change expressly directed by the Commission . . . which the utility is merely implementing or carrying out.”); *id.* at 62,330 (“A public utility submits compliance filings in response to Commission directives. The Commission issues these directives under its authority to fix a rate by order.”).

³⁴¹ Indicated PJM TOs contend that “a public utility’s right to present its rates and charges and proposals that affect such rates and charges with the Commission are protected speech under the First Amendment” based on the general observation that “[m]aking a submission or filing with a governmental body is First Amendment protected petitioning.” Indicated PJM TOs Rehearing Request at 29 (citing *Noerr Motor Freight, Inc.*, 365 U.S. at 138; *Trucking Unlimited*, 404 U.S. at 510; *White v. Lee*, 227 F.3d at 1231). However, we find no relevant parallels between, on the one hand, the compliance requirements adopted in Order No. 1920–A and, on the other, the “publicity campaign designed to influence the passage of state laws” in *Noerr Motor Freight, Inc.*, 365 U.S. at 131, the alleged conspiracy “to institute state and federal proceedings to resist and defeat applications . . . to acquire [highway carrier] operating rights or to transfer or register those rights” in *Trucking Unlimited*, 404 U.S. at 509, or the opposition to a zoning permit in *White v. Lee*.

³⁴² See *Borough of Duryea*, 564 U.S. at 388–89.

³⁴³ Order No. 1920–A, 189 FERC ¶ 61,126 at P 654 n.1651.

Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process relate "solely to the economic interests" ³⁴⁹ of those who will be allocated the costs of Long-Term Regional Transmission Facilities, and that disclosure of this information is made to the Commission so that it may ensure compliance with its directives, ³⁵⁰ we find Indicated PJM TOs' reliance on *PG&E* and *Moody* misplaced. ³⁵¹

103. Even assuming for the sake of argument that the compliance requirements of Order No. 1920–A implicate transmission providers' freedom of speech under the First Amendment, we disagree with Indicated PJM TOs' contention that any infringement on transmission providers' rights should be judged under strict scrutiny or the form of intermediate scrutiny described by Indicated PJM TOs. ³⁵² In arguing that strict scrutiny should apply because the compliance requirements of Order No. 1920–A are not content-neutral, ³⁵³ Indicated PJM

TOs ignore that the Supreme Court "has consistently applied intermediate scrutiny to commercial speech restrictions, even those that were content- and speaker-based." ³⁵⁴ We find, assuming Order No. 1920–A's compliance requirements implicate transmission providers' First Amendment rights at all, the less demanding standard applied to commercial speech set forth in *Central Hudson*, should apply to the requirement that transmission providers include Relevant State Entities' agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their compliance filings given that these requirements "relate[] solely to [transmission providers'] economic interests." ³⁵⁵ Furthermore, we find that this requirement satisfies *Central Hudson*. Under *Central Hudson*, the Supreme Court undertakes a four-part analysis to determine whether a regulation that infringes on an entity's First Amendment rights is unconstitutional:

At the outset, we must determine whether the expression is protected by the First Amendment. For commercial speech to come within that provision, it at least must concern lawful activity and not be misleading. Next, we ask whether the asserted governmental interest is substantial. If both inquiries yield positive answers, we must determine whether the regulation directly advances the governmental interest asserted, and whether it is not more extensive than is necessary to serve that interest. ³⁵⁶

proposal." (citing *Reed v. Town of Gilbert*, 576 U.S. 155, 171 (2015); *Turner Broad. Sys., Inc.*, 512 U.S. at 642)).

³⁵⁴ *Greater Phila. Chamber of Com. v. Philadelphia*, 949 F.3d 116, 138 (3rd Cir. 2020). See also *Sorrell v. IMS Health Inc.*, 564 U.S. 552, 571–72 (2011) (applying *Central Hudson* intermediate scrutiny to a law imposing a "targeted, content-based burden"). The Supreme Court has described a content-based regulation as being "targeted at specific subject matter . . . even if it does not discriminate among viewpoints within that subject matter. *Reed*, 576 U.S. at 169. While content-based regulations of noncommercial speech are typically subject to strict scrutiny, content-based regulations of commercial speech are not. See, e.g., *SEC v. AT&T, Inc.*, 626 F. Supp. 3d 703, 743 (S.D.N.Y. 2022) ("[D]efendants' suggestion that all content-based regulations must satisfy strict scrutiny overlooks the significant body of decisions involving laws and regulations mandating affirmative disclosures of information These disclosure provisions are explicitly content based.").

³⁵⁵ *Central Hudson*, 447 U.S. at 561; *Recht v. Morrissey*, 32 F.4th 398, 409 (4th Cir. 2022) ("To be clear: Commercial speech regulations are analyzed under *Central Hudson*."); *Stuart v. Camnitz*, 774 F.3d 238, 244 (4th Cir. 2014). See also *Ohralik*, 436 U.S. at 456 ("To require a parity of constitutional protection for commercial and noncommercial speech alike could invite dilution, simply by a leveling process, of the force of the Amendment's guarantee with respect to the latter kind of speech.").

³⁵⁶ *Central Hudson*, 447 U.S. at 566. Courts have described the *Central Hudson* analysis as a type of

104. First, the Commission has a substantial interest in monitoring transmission providers' compliance with the requirements concerning the Engagement Period, being able to efficiently consider the views of both Relevant State Entities and transmission providers, and ensuring that when setting the replacement rate on compliance, the record before it includes Relevant State Entities' views concerning how the cost of Long-Term Regional Transmission Facilities will be allocated, ³⁵⁷ and the Commission directly and materially advances that substantial interest by requiring that transmission providers document those views in their compliance filings. ³⁵⁸ Additionally, Order No. 1920–A is not more extensive than is necessary to serve the Commission's substantial interest because it requires only the attachment of one or more files, containing the information provided by Relevant State Entities, to transmission providers' proposal and does not require that transmission providers separately characterize any of this information. ³⁵⁹

B. Consultation With Relevant State Entities After the Engagement Period

1. Order Nos. 1920 and 1920–A

105. In Order No. 1920, the Commission declined to require future Engagement Periods but noted that transmission providers may hold future Engagement Periods if they believe that such periods would be beneficial. ³⁶⁰

intermediate scrutiny. See *Recht v. Morrissey*, 32 F.4th at 408.

³⁵⁷ *Central Hudson*, 447 U.S. at 569 ("The State's concern that rates be fair and efficient represents a clear and substantial governmental interest."); Order No. 1920–A, 189 FERC ¶ 61,126 at PP 649, 659.

³⁵⁸ *Edenfield v. Fane*, 507 U.S. 761, 767 (1993).

³⁵⁹ Contrary to Indicated PJM TOs' contention, the fact that Relevant State Entities could alternatively submit their agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in comments in response to transmission providers' compliance filings is immaterial under intermediate scrutiny. Indicated PJM TOs Rehearing Request at 32–33. Under intermediate scrutiny, both for content-neutral regulations of noncommercial speech and for commercial speech, regulations need not be the least restrictive means of achieving the government's substantial interest. *Recht v. Morrissey*, 32 F.4th at 409; *Bd. of Trs. of State Univ. of N.Y.*, 492 U.S. at 477 ("The ample scope of regulatory authority [with respect to commercial speech] would be illusory if it were subject to a least-restrictive means requirement, which imposes a heavy burden on the State."); *Turner Broad. Sys., Inc.*, 520 U.S. at 217–18 ("Our precedents establish that when evaluating a content-neutral regulation which incidentally burdens speech, we will not invalidate the preferred remedial scheme because some alternative solution is marginally less intrusive on a speaker's First Amendment interests.").

³⁶⁰ Order No. 1920, 187 FERC ¶ 61,068 at P 1368.

(quoting *West Va. State Bd. of Educ. v. Barnette*, 319 U.S. at 645 (Murphy, J., concurring)).

³⁴⁹ See *Central Hudson*, 447 U.S. at 561; *Md. Shall Issue, Inc.*, 91 F.4th at 248.

³⁵⁰ *S. Co. Svcs.*, 61 FERC at 62,330. See also Order No. 1920, 187 FERC ¶ 61,068 at P 1768 (requiring each transmission provider to submit a compliance filing "as necessary to demonstrate that it meets all of the requirements adopted in [Order No. 1920]").

³⁵¹ Indicated PJM TOs cite to, but do not discuss, several additional Supreme Court decisions in stating that "the Commission's desire to receive the views of the [Relevant State Entities] on cost allocation does not justify mandating that the public utility present those views when filing its own proposal." Indicated PJM TOs Rehearing Request at 31 (citing *Turner Broad. Sys., Inc.*, 512 U.S. at 647; *Hurley v. Irish-Am. Gay, Lesbian, & Bisexual Grp. of Bos., Inc.*, 515 U.S. 557, 570 (1995); *Mia. Herald Publ'g Co. v. Tornillo*, 418 U.S. 241, 256–58 (1974)). These cases are distinguishable on the facts from Order No. 1920–A. *Hurley* and *Tornillo*, like *PG&E* and *Moody*, concerned expression in the public sphere on matters beyond those of a purely commercial nature. See *Hurley*, 515 U.S. at 561–62, 570 (discussing whether a public accommodations law prohibiting discrimination on the basis of sexual orientation compelled organizers of Boston's St. Patrick's Day parade to allow a group of openly gay, lesbian, and bisexual descendants of Irish immigrants to march in the parade in violation of organizers' First Amendment rights); *Tornillo*, 418 U.S. at 243 (reviewing a statute "granting a political candidate a right to equal space to reply to criticism and attacks on his record by a newspaper"). Further, the portion of *Turner* cited by Indicated PJM TOs merely discusses why the requirements at issue there were "unrelated to the content of speech" (i.e., content-neutral), and does not explore the appropriate standard of review for regulations concerning a particular category of speech, such as commercial speech. *Turner Broad. Sys., Inc.*, 512 U.S. at 647.

³⁵² Indicated PJM TOs Rehearing Request at 31.

³⁵³ *Id.* at 31 n.116 ("Here, the requirement to file the [Relevant State Entities'] proposal is applied only when the transmission provider disagrees with the content of the [Relevant State Entities']

106. In Order No. 1920–A, the Commission set aside Order No. 1920, in part, and required that, as part of transmission providers’ obligations with respect to transmission planning and cost allocation, transmission providers shall consult with Relevant State Entities: (1) prior to amending the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process; or (2) if Relevant State Entities seek, consistent with their chosen method to reach agreement, for the transmission provider to amend that method(s) or process.³⁶¹ The Commission found that the consultation requirement will provide a mechanism through which transmission providers and Relevant State Entities can engage with each other regarding possible future FPA section 205 filings that seek to change cost allocation methods accepted by the Commission in compliance with Order No. 1920.³⁶² The Commission further required transmission providers to include in their OATTs a description of how they will consult with Relevant State Entities in these circumstances. Additionally, for a consultation initiated by a transmission provider, the Commission required the transmission provider to document publicly on their OASIS or other public website the results of their consultation with Relevant State Entities prior to filing their amendment. For a consultation initiated by Relevant State Entities, if the transmission provider chooses not to propose any amendments to the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process preferred by Relevant State Entities during the required consultation, the Commission also required the transmission provider to document publicly on their OASIS or other public website the results of their consultation with Relevant State Entities, including an explanation for why they have chosen not to propose any amendments.³⁶³

107. The Commission found that these requirements will ensure that states have the opportunity to be involved in establishing cost allocation methods for Long-Term Regional Transmission Facilities subsequent to

the Commission’s acceptance of transmission providers’ filings made in compliance with Order No. 1920, which has the potential to minimize additional costs and delays in the siting process and to facilitate the development of Long-Term Regional Transmission Facilities.³⁶⁴ The Commission noted that, while it provided transmission providers with flexibility as to the form and duration of their required consultation with Relevant State Entities, one way transmission providers could satisfy the requirement to consult with Relevant State Entities is by revising their OATTs to include a process under which the transmission provider must present to the Commission, in addition to its own FPA section 205 proposal, an alternative cost allocation method proposed by Relevant State Entities for evaluation by the Commission on equal footing.³⁶⁵ The Commission noted that transmission providers could also satisfy the requirement to consult with Relevant State Entities by revising their OATTs to include mechanisms similar to those used in SPP³⁶⁶ and MISO.³⁶⁷

2. Challenges to Order No. 1920–A

a. Statutory Filing Rights Under the FPA

i. Rehearing Requests

108. Several rehearing petitioners argue that the consultation requirement unlawfully impinges on transmission providers’ FPA section 205 filing rights by conditioning the exercise of those rights on consultation with Relevant State Entities before filing a proposed tariff amendment.³⁶⁸ They argue that FPA section 205 is intended for the benefit of the public utilities, that this provision provides public utilities with the unilateral and exclusive right to

make filings setting their rates (subject to Commission approval), and that the Commission cannot encumber this right by conditioning it on such consultation.³⁶⁹ In support, some rehearing petitioners cite *Atlantic City I* as reflecting that the Commission cannot abridge the statutory rights afforded to public utilities by Congress.³⁷⁰ MISO TOs, SPP TOs, and WIRES also rely on a statement in *City of Cleveland v. Federal Power Commission* that a public utility “may, without negotiation or consultation with anyone, set the rates it will charge prospective customers, and change them at will, so long as they have not been set aside by the Commission on grounds of inconsistency with the [FPA].”³⁷¹

109. MISO TOs argue that the requirement that transmission providers consult with Relevant State Entities prior to amending the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process “encumbers the transmission providers’ ability to exercise their FPA section 205 rights to amend their tariffs ‘at any time.’”³⁷² SPP TOs similarly argue that the Commission cannot “impos[e] pre-conditions that could delay section 205 filings, potentially for an indefinite time.”³⁷³ WIRES argues that this requirement is a pre-condition to transmission providers exercising their filing rights that is not

³⁶⁹ See, e.g., MISO TOs Rehearing Request at 29–31 (citing *Atlantic City I*, 295 F.3d at 9–10; *Emera Maine*, 854 F.3d at 24; *Vistra Corp. v. FERC*, 80 F.4th 302, 318 (D.C. Cir. 2023); *MISO Transmission Owners v. FERC*, 45 F.4th 248, 253 (D.C. Cir. 2022); EEI Rehearing Request at 13–14 (“In seeking to create such a condition, the Commission seeks to fundamentally and unlawfully alter its role, as well as transmission providers’ and public utilities’ rights, under section 205.”); WIRES Rehearing Request at 7–8.

³⁷⁰ See, e.g., MISO TOs Rehearing Request at 27–28; EEI Rehearing Request at 13–14; WIRES Rehearing Request at 7–8; SPP TOs Rehearing Request at 11 (also asserting that this approach contravenes *Massachusetts Department of Public Utilities*, 729 F.2d at 888).

³⁷¹ 525 F.2d 845, 855 (D.C. Cir. 1976) (*City of Cleveland*) (citing *United Gas Pipe Line Co.*, 350 U.S. at 338–344; *Permian Basin Area Rate Cases*, 390 U.S. 747, 822 (1968)); see MISO TOs Rehearing Request at 30–31 (also noting the Commission’s passive role under FPA section 205); SPP TOs Rehearing Request at 7; WIRES Rehearing Request at 6, 8.

³⁷² MISO TOs Rehearing Request at 27–29 (quoting *Atlantic City I*, 295 F.3d at 9) (asserting that this aspect of Order No. 1920–A “provides Relevant State Entities with the ability to delay and exert statutorily inappropriate influence or control over the transmission providers’ statutory right to file rate changes”).

³⁷³ SPP TOs Rehearing Request at 11 (citing *NRG Power Mktg.*, 862 F.3d at 115; *Western Resources*, 9 F.3d at 1578; *Midwest Indep. Transmission Sys. Operator, Inc.*, 133 FERC ¶ 61,221 (2010), *order on reh’g*, 137 FERC ¶ 61,074, at P 187 (2011), *vacated in part sub nom. Ill. Comm’n v. FERC*, 721 F.3d 764 (7th Cir. 2013)).

³⁶¹ Order No. 1920–A, 189 FERC ¶ 61,126 at P 691.

³⁶² *Id.* The Commission clarified that this consultation requirement neither requires transmission providers to submit, nor prohibits transmission providers from submitting, FPA section 205 filings to modify cost allocation methods accepted in compliance with Order No. 1920, and transmission providers therefore retain their currently effective FPA section 205 rights. *Id.* P 691 n.1747.

³⁶³ *Id.*

³⁶⁴ *Id.* P 692 (citing Order No. 1920, 187 FERC ¶ 61,068 at PP 124, 126).

³⁶⁵ *Id.* (citing ISO New England Inc., FERC FPA Electric Tariff, ISO New England Inc. Agreements and Contracts, TOA, Transmission Operating Agreement (5.0.0), 3.04(h)(vi)(C); *The Governors of Conn., Me., Mass., N.H., R.I., Vt.*, 112 FERC ¶ 61,049, at P 25 (2005)).

³⁶⁶ *Id.* (citing SPP, Governing Documents Tariff, Bylaws, First Revised Volume No. 4 (0.0.0), 7.2 (Regional State Committee); *Sw. Power Pool, Inc.*, 106 FERC ¶ 61,110, at PP 218–220, *order on reh’g*, 109 FERC ¶ 61,010, at PP 92–94 (2004); *Sw. Power Pool, Inc.*, 108 FERC ¶ 61,003, at P 127 & n.90 (2004), *order on reh’g*, 110 FERC ¶ 61,138, at P 33 (2005)).

³⁶⁷ *Id.* (citing MISO, FERC Electric Tariff, MISO Rate Schedules, MISO Transmission Owner Agreement, app. K (Filing Rights Pursuant To Section 205 Of The FPA) (3.0.0), I.E.3.a.i–ii; *Midwest Indep. Transmission Sys. Operator, Inc.*, 143 FERC ¶ 61,165, at PP 30, 32 (2013)).

³⁶⁸ See MISO TOs Rehearing Request at 5–9, 27–31; Indicated PJM TOs Rehearing Request at 3, 7; SPP TOs Rehearing Request at 2, 7, 10–12; EEI Rehearing Request at 7, 11–12; WIRES Rehearing Request at 5–9.

contemplated under the statute which could, “[i]n the extreme, . . . serve as a prohibition to a public utility’s ability to file revisions under FPA section 205,” in contrast to the intent of the FPA to allow public utilities to act quickly and without obstacles.³⁷⁴

110. EEI asserts that the consultation requirement impermissibly changes the Commission’s role from passively considering rate proposals to actively infringing upon public utilities’ exclusive power under FPA section 205 to initiate rate changes.³⁷⁵ EEI contends that the structure of the consultation requirement implicitly shows that the Commission recognizes that it cannot reject a tariff filing by a public utility for failing to consult a Relevant State Entity.³⁷⁶

111. A number of the rehearing requests also argue that decisions by public utilities to adopt a similar consultation mechanism in certain circumstances, allow greater state participation in regional transmission planning or cost allocation, or otherwise cede their FPA section 205 filing rights to other entities do not support the Commission’s decision here because those decisions were voluntary, rather than compelled by the Commission.³⁷⁷ EEI recommends that the Commission reconsider the consultation requirement, averring that uncoerced, voluntary agreements, such as when transmission owners in the MISO region voluntarily ceded certain rights to the Organization of MISO States in 2013, offer a lawful and more appropriate means of ensuring engagement between transmission providers and Relevant State Entities.³⁷⁸

112. MISO TOs, Indicated PJM TOs, and SPP TOs contend that Order No. 1920–A is also inconsistent with the FPA in requiring, in certain circumstances, that transmission providers publicly document the results of their consultations with Relevant State Entities on transmission providers’ OASIS or other public website.³⁷⁹ In particular, SPP TOs assert that the Commission may not “require a public utility to justify a decision *not* to make a section 205 filing when the filing

decision is wholly voluntary under the FPA.”³⁸⁰ Indicated PJM TOs argue, citing *Atlantic City I*, that “inherent in a public utility’s right to file to change its own rates under section 205 is its right to *not* change its own just and reasonable rates” and that “nothing in section 205 requires a utility to explain why it is not changing a just and reasonable rate.”³⁸¹

ii. Commission Determination

113. We disagree with the arguments that Order No. 1920–A’s cost allocation consultation requirement is unlawful because it infringes on or abridges transmission providers’ FPA section 205 filing rights. The consultation requirement does not regulate transmission providers’ filing rights under FPA section 205, but rather addresses the practices through which cost allocation methods for Long-Term Regional Transmission Facilities are developed, which is integrally tied to the likelihood of the construction of those facilities and their associated costs.³⁸²

114. In Order No. 1000, the Commission required—and the D.C. Circuit upheld—that transmission providers’ transmission planning processes “have a method for allocating *ex ante* among beneficiaries the costs of new transmission facilities in the regional transmission plan, and the method must satisfy six regional cost allocation principles.”³⁸³ In doing so, the Commission regulated not only the substantive content of such cost allocation methods (*i.e.*, consistency with the six regional cost allocation principles), but also the very practice of developing cost allocation methods by “[r]eforming the practice[] of failing to engage in . . . *ex ante* cost allocation.”³⁸⁴ Order No. 1920–A’s consultation requirement, similarly, aims to ensure the development and application of cost allocation methods that will themselves facilitate the timely, efficient development of Long-Term Regional Transmission Facilities,

through states’ critical role in that process.

115. In Order No. 1920–A, the Commission determined—and we here sustain—that requiring transmission providers to consult with Relevant State Entities will provide an opportunity for state input, which “has the potential to minimize additional costs and delays in the siting process and to facilitate the development of Long-Term Regional Transmission Facilities.”³⁸⁵ As the Commission explained in the NOPR, Long-Term Regional Transmission Planning “may entail a more complex set of considerations compared to existing regional transmission planning requirements, which, in turn, may increase the importance of ensuring that the cost allocations method for projects identified and developed through these processes are perceived as fair.”³⁸⁶ “As such, . . . state entities charged with siting transmission facilities within their state may, at least in certain circumstances, take a more skeptical approach to evaluating applications to site Long-Term Regional Transmission Facilities.”³⁸⁷ To address this problem, the Commission proposed that providing opportunities for state

³⁸⁵ Order No. 1920–A, 189 FERC ¶ 61,126 at P 692 (“We find that these requirements will ensure that states have the opportunity to be involved in establishing cost allocation methods for Long-Term Regional Transmission Facilities subsequent to the Commission’s acceptance of transmission providers’ filings made in compliance with Order No. 1920.”).

³⁸⁶ NOPR, 179 FERC ¶ 61,028 at P 54 (proposing to “address these concerns in part through greater state involvement, particularly in the development of cost allocation methods”); *see id.* P 244; *id.* PP 297–300 (discussing the challenges associated with developing cost allocation methods perceived as fair, especially in multi-state transmission planning regions, and how this may undermine the development of more efficient or cost-effective regional transmission facilities; discussing the critical role of states in such processes); *id.* P 301 (“We believe that providing an opportunity for state involvement in regional transmission planning cost allocation processes is becoming more important as states take a more active role in shaping the resource mix and demand, which, in turn, means that those state actions are increasingly affecting the long-term transmission needs for which we are proposing to require public utility transmission providers to plan in this NOPR.”).

³⁸⁷ *Id.* P 317; *see also id.* P 314 (discussing how additional state involvement in cost allocation may “decrease the controversy over development of such facilities,” and thereby “reduce instances in which a Long-Term Regional Transmission Facility is selected, has an established *ex ante* cost allocation method that applies to it, but nevertheless fails to be developed because it cannot receive a necessary state regulatory approval. After all, states retain siting authority over transmission facilities and will review whether Long-Term Regional Transmission Facilities are consistent with the public interest and state siting regulations.”); *cf. id.* P 321 (“Moreover, state siting proceedings may proceed more efficiently if states have better information about the costs and benefits of such regional transmission facilities.”).

³⁷⁴ WIRES Rehearing Request at 8–9.

³⁷⁵ EEI Rehearing Request at 13.

³⁷⁶ *Id.* at 14.

³⁷⁷ *See* MISO TOs Rehearing Request at 29; SPP TOs Rehearing Request at 5–6; EEI Rehearing Request at 14–15.

³⁷⁸ EEI Rehearing Request at 14–15 (citing *Midwest Indep. Transmission Sys. Operator, Inc.*, 143 FERC ¶ 61,165 at P 30).

³⁷⁹ *See* MISO TOs Rehearing Request at 5 (“These changes reframe the roles of the entities involved, blurring the FPA’s division of authority.”); Indicated PJM TOs Rehearing Request at 7, 15–17; SPP TOs Rehearing Request at 2, 7, 10–11.

³⁸⁰ SPP TOs Rehearing Request at 11.

³⁸¹ Indicated PJM TOs Rehearing Request at 16; *id.* at 16–17 (arguing that the statutory vehicle for Relevant State Entities to attempt to change a Commission-approved cost allocation method is a complaint pursuant to FPA section 206).

³⁸² *South Carolina*, 762 F.3d at 48; *see id.* at 82–83 (discussing how “the lack of methods that ascertain the beneficiaries of new and improved transmission facilities and allocate costs to entities that benefit” creates risks to transmission providers and results in misaligned incentives).

³⁸³ *Id.* at 48.

³⁸⁴ *Id.* at 57 (holding that this reform was within the Commission’s jurisdiction to regulate); *see also id.* at 84–87.

involvement in establishing a cost allocation method “would help to address any such concerns on the part of state regulators, increasing the likelihood that Long-Term Regional Transmission Facilities are actually developed, and without delay.”³⁸⁸

116. Order No. 1920 sustained these preliminary findings from the NOPR, which provide the foundation for the expanded opportunities for state participation in cost allocation adopted in that order and in Order No. 1920–A.³⁸⁹ The Commission in Order No. 1920–A recognized that such concerns over inadequate state participation—and the Commission’s findings as to how increased state involvement in cost allocation can help ensure that the benefits of Long-Term Regional Transmission Planning are realized—will also arise in the future, as transmission providers consider whether changes are warranted to the cost allocation process.³⁹⁰ Likewise, the same dynamic may occur where Relevant State Entities have identified an alternative approach to the existing cost allocation mechanism; consulting

with the Relevant State Entities regarding alternative approaches may increase Relevant State Entities’ confidence in Long-Term Regional Transmission Planning processes, thereby minimizing delays, disputes, and costs associated with those processes.

117. The Commission in Order No. 1920–A therefore addressed transmission providers’ processes for developing cost allocation methods for Long-Term Regional Transmission Facilities by requiring that transmission providers engage in consultation with Relevant State Entities on cost allocation to receive input from these key stakeholders.³⁹¹ Specifically, it required the adoption of the consultation mechanisms discussed above, and required “transmission providers to include in their OATTs a description of how they will consult with Relevant State Entities in these circumstances.”³⁹² These consultation practices occur prior to any FPA section 205 filing that transmission providers might make addressing cost allocation and are directed toward transmission providers’ communications with Relevant State Entities regarding cost allocation, rather than any such FPA section 205 filing.³⁹³

118. We agree with rehearing petitioners that FPA section 205 expressly grants rights to transmission providers. But contrary to the arguments raised on rehearing,³⁹⁴ regulation of these consultation practices does not infringe on those rights.³⁹⁵ Transmission providers retain their full and exclusive discretion as to whether to file—or not file—proposed changes to

Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process under FPA section 205. Transmission providers likewise retain their full and exclusive discretion to determine the content of any such proposal, notwithstanding that transmission providers are required to engage in this consultation process. Transmission providers also control the timing of when they choose to make any such filing, including, to reiterate, *whether to make such a filing at all*.³⁹⁶ Under this framework, the Commission demonstrably retains its passive and reactive role of reviewing the transmission providers’ FPA section 205 filings.³⁹⁷ As a result, FPA section 205 continues to function to the benefit of the transmission providers in allowing them, subject to Commission review and approval, to propose to set and change their own rates.³⁹⁸

119. Thus, the precedent relied on by rehearing petitioners challenging these requirements is inapposite. As discussed in greater detail above, the court in *Atlantic City I*³⁹⁹ was not addressing a Commission regulation akin to the regulation of transmission providers’ consultation practices relating to cost allocation for Long-Term Regional Transmission Facilities.⁴⁰⁰ Rather, the court there overturned a Commission order requiring that public utilities clearly cede to an ISO their FPA section 205 rights, such that only the ISO could propose changes in rate design. Here, by contrast, transmission providers retain the full scope of their FPA section 205 filing rights. For similar reasons, this consultation requirement does not contravene *Massachusetts Department of Public Utilities*⁴⁰¹ because transmission providers retain their full authority to file only the FPA section 205 proposals of their own choosing, as well as the right to file nothing at all.⁴⁰²

³⁹⁶ The Commission also afforded “transmission providers flexibility as to the form and duration of their required consultation with Relevant State Entities.” *Id.* P 692.

³⁹⁷ *Emera Maine*, 854 F.3d at 24.

³⁹⁸ See, e.g., *id.* (contrasting FPA sections 205 and 206, noting that FPA section 205 is intended for the benefit of the utility, allowing it to propose to change its own rates, subject to the Commission’s passive and reactive oversight); *Visira Corp.*, 80 F.4th at 318; *MISO Transmission Owners*, 45 F.4th at 253.

³⁹⁹ 295 F.3d at 9–11.

⁴⁰⁰ See *supra* P 55 (discussing the facts and holding of *Atlantic City I*).

⁴⁰¹ 729 F.2d at 886–87.

⁴⁰² See *supra* P 57 (discussing the facts and holding of *Massachusetts Department of Public Utilities*). For similar reasons, we are not persuaded by Indicated PJM TOs’ suggestion of a tension between this consultation requirement and the availability of a complaint under FPA section 206

³⁸⁸ *Id.* P 317.

³⁸⁹ See Order No. 1920, 187 FERC ¶ 61,068 at P 124 (“As the Commission discussed in the NOPR and we continue to find in this final rule, facilitating state regulatory involvement in the cost allocation process could minimize delays and additional costs associated with state and local siting proceedings.”); *id.* P 126 (concluding that ensuring a dedicated process through which states have an opportunity to participate in the development of regional cost allocation “is particularly relevant to Long-Term Regional Transmission Planning, given: (1) the lengthy planning horizon . . . ; (2) the resultant increased uncertainty for Long-Term Regional Transmission Facilities; and (3) accordingly, the increased importance for state engagement regarding cost allocation to increase the likelihood such facilities obtain needed siting approvals from the states and are thus timely and cost-effectively developed”); *id.* PP 1293, 1295, 1362, 1404, 1411; Order No. 1920–A, 189 FERC ¶ 61,126 at P 659 (“[C]iven the inherent uncertainty involved in planning to meet Long-Term Transmission Needs, state-developed cost allocation methods and State Agreement Process take on heightened importance.”); *id.* PP 10, 59; 632, 671–673, 677–678.

³⁹⁰ See Order No. 1920–A, 189 FERC ¶ 61,126 at P 692 (“We find that these requirements will ensure that states have the opportunity to be involved in establishing cost allocation methods for Long-Term Regional Transmission Facilities subsequent to the Commission’s acceptance of transmission providers’ filings made in compliance with Order No. 1920, which has the potential to minimize additional costs and delays in the siting process and to facilitate the development of Long-Term Regional Transmission Facilities.”); see also *id.* P 688 (summarizing NESCOE’s argument that “a transmission provider could undo the efforts of Relevant State Entities in agreeing to a Long-Term Regional Transmission Cost Allocation Method during the initial Engagement Period by filing a new Long-Term Regional Transmission Cost Allocation Method without consulting with Relevant State Entities”); *id.* P 691 (“We are persuaded by NARUC’s and NESCOE’s arguments raised on rehearing.”).

³⁹¹ Order No. 1920–A also provided examples of how transmission providers could satisfy these consultation requirements, including revising their OATTs to adopt mechanisms similar to those used in SPP and MISO, *id.* P 692, but it did not rely on the voluntary decision of RTOs/ISOs to adopt such mechanisms as support for establishing these requirements. Thus, arguments on rehearing that such voluntary decisions are distinguishable from a Commission-imposed consultation requirement, see MISO TOs Rehearing Request at 29; SPP TOs Rehearing Request at 5–6; EEI Rehearing Request at 14–15, are beside the point.

³⁹² Order No. 1920–A, 189 FERC ¶ 61,126 at P 691.

³⁹³ Indeed, there may not be any FPA section 205 filing associated with any such consultation, as the transmission provider has full discretion on whether or not to proceed with any FPA section 205 filing.

³⁹⁴ See *supra* P 108.

³⁹⁵ Order No. 1920–A, 189 FERC ¶ 61,126 at P 691 n.1747 (“We clarify that this consultation requirement neither requires transmission providers to submit, nor prohibits transmission providers from submitting, FPA section 205 filings to modify cost allocation methods accepted in compliance with Order No. 1920, and transmission providers therefore retain their currently effective FPA section 205 rights.”).

120. We are also not persuaded by challenges to this consultation requirement relying on *City of Cleveland*.⁴⁰³ In that case, the court considered “whether the Federal Power Commission erred in adopting a rate structure specified in a schedule filed by a public electric utility without resolving its municipal customer’s contention that the schedule contravenes a preexisting agreement between the parties.”⁴⁰⁴ The court held that where a public utility has actually agreed to particular rates, by contract, the Commission cannot overlook that agreement and approve different rates.⁴⁰⁵ While the court in that case stated that a utility “may, without negotiation or consultation with anyone, set the rates it will charge prospective customers, and change them at will, so long as they have not been set aside by the Commission on grounds of inconsistency with the [FPA],”⁴⁰⁶ the court was not called upon to address the Commission’s authority, under FPA section 206, to regulate transmission providers’ practices for developing cost allocation methods.⁴⁰⁷ Moreover, that decision substantially pre-dates the Supreme Court and D.C. Circuit’s precedent affirming the Commission’s authority over the practices of public utilities that directly affect the areas subject to the Commission’s jurisdiction.⁴⁰⁸ Regardless, under Order No. 1920–A, transmission providers are still entitled, subject to Commission review and approval, “without

as a mechanism to compel a change to a transmission provider’s cost allocation method. See Indicated PJM TOs Rehearing Request at 16–17. The consultation requirement does not allow Relevant State Entities to compel a transmission provider to change or not change its cost allocation method.

⁴⁰³ See MISO TOs Rehearing Request at 30–31; SPP TOs Rehearing Request at 7; Wires Rehearing Request at 6, 8.

⁴⁰⁴ See *City of Cleveland*, 525 F.2d at 846, 853–54.

⁴⁰⁵ See *id.* at 855 (explaining that the petitioner’s “thesis is that . . . it had reached agreement with CEI as to the rates to be charged for the proposed load transfer service, and that a ratcheting of contract demand was not a part of the bargain” such that a “ratchet clause” included in the public utility’s proposed rate schedule had been impermissibly included); *id.* at 855–56 (“[A] utility is no more at liberty to alter an agreed rate as yet unfiled than it is to depart from one that has been filed.”).

⁴⁰⁶ *Id.* at 855; see also *United Gas Pipe Line Co.*, 350 U.S. at 343 (“The obvious implication is that, except as specifically limited by the Act, the rate-making powers of natural gas companies were to be no different from those they would possess in the absence of the Act: to establish ex parte, and change at will, the rates offered to prospective customers . . .”).

⁴⁰⁷ See *City of Cleveland*, 525 F.2d at 851–57.

⁴⁰⁸ See *EPSCA*, 577 U.S. at 288; *South Carolina*, 762 F.3d at 48; cf. *CAISO*, 372 F.3d at 403 (overturning Commission order, finding that it did not meet the “directly affects” test).

negotiation or consultation with anyone, [to] set the rates [they] will charge prospective customers, and change them at will,”⁴⁰⁹ including as to cost allocation. Despite Order No. 1920–A’s regulation of their pre-filing practices, transmission providers’ filing rights as set forth by FPA section 205⁴¹⁰ remain wholly intact and unchanged; any FPA section 205 filing that transmission providers make seeking to set or change their rates does not need to reflect a compromise proposal resulting from negotiation or consultation.

121. MISO TOs, SPP TOs, and Wires assert that the requirement that transmission providers consult with Relevant State Entities prior to an FPA section 205 filing unlawfully limits their ability to propose to change their rates at any time.⁴¹¹ We disagree. Order No. 1920–A’s regulation of transmission provider practices in this respect may result in practical considerations affecting the timing of transmission providers’ FPA section 205 filings, which transmission providers must plan for in order to file their proposal at their preferred time, but it does not amount to a curtailment of transmission providers’ filing rights. Indeed, the same challenge could be leveled at essentially any Commission order that imposes a requirement on a public utility that may affect the contents of a FPA section 205 filing, because meeting this requirement could impose a practical constraint on the timing of that filing.⁴¹² We note that transmission providers must follow any applicable stakeholder processes to that effect under their currently effective governing documents, and we view those to be functionally similar to the consultation requirement.⁴¹³

122. None of the precedent cited by MISO TOs, SPP TOs, or Wires holds to the contrary. While *Atlantic City I* states that under FPA section 205(d) “a public utility may file changes to rates, charges, classification, or service at any time

⁴⁰⁹ *City of Cleveland*, 525 F.2d at 855 (emphasis added).

⁴¹⁰ See 16 U.S.C. 824d(c) (providing that “every public utility shall file with the Commission . . . schedules showing all rates and charges for any transmission or sale subject to the jurisdiction of the Commission, and the classifications, practices, and regulations affecting such rates and charges”).

⁴¹¹ See *supra* P 109.

⁴¹² For instance, where the Commission imposes a requirement on a public utility to consider a certain issue (e.g., a category of factors affecting Long-Term Transmission Needs) in support of ensuring just and reasonable rates, doing so could delay the utility’s ability to make an FPA section 205 filing as compared to a situation without that requirement.

⁴¹³ See e.g., PJM Interconnection, L.L.C., Intra-PJM Tariffs, OA, § 18.6(a) (requiring the support of PJM stakeholders for certain FPA section 205 filings to amend PJM’s Operating Agreement).

upon 60 days notice,”⁴¹⁴ it does not suggest that a Commission regulation that might, as a practical matter, affect the timing of such filings is unlawful as an intrusion on public utilities’ filing rights.⁴¹⁵ Neither do the cases on which SPP TOs rely,⁴¹⁶ which addressed Commission attempts to modify a FPA section 205 filing made by a public utility⁴¹⁷ or explained that, where a filing is made under FPA section 205, the Commission has “a statutory obligation to process the filing in a timely manner.”⁴¹⁸

123. Challenges to Order No. 1920–A’s requirements that transmission providers publicly document the results of their consultation with Relevant State Entities⁴¹⁹ do not change our analysis. Here, too, these documentation requirements do not impinge on or alter transmission providers’ FPA section 205 filing rights, as transmission providers retain their full, exclusive, and unilateral right to file, or not file,⁴²⁰ FPA section 205 proposals of their own choosing. This aspect of Order No. 1920–A regulates only transmission providers’ practices around publicly documenting their consultation with Relevant State Entities, pursuant to the Commission’s authority under FPA section 206. The Commission has often introduced documentation requirements aimed at increasing transparency.⁴²¹

⁴¹⁴ 295 F.3d at 9; see MISO TOs Rehearing Request at 28.

⁴¹⁵ See 295 F.3d at 9–11; see *supra* P 55 (discussing the holding of *Atlantic City I*).

⁴¹⁶ See SPP TOs Rehearing Request at 11 (citing *NRG Power Mktg.*, 862 F.3d at 115; *City of Winnfield*, 774 F.2d at 876; *Western Resources*, 9 F.3d at 1578; *Midwest Indep. Transmission Sys. Operator, Inc.*, 137 FERC ¶ 61,074 at P 187).

⁴¹⁷ See *NRG Power Mktg.*, 862 F.3d at 115; *City of Winnfield*, 774 F.2d at 876; *Western Resources*, 9 F.3d at 1578. That these cases discuss notice requirements under FPA section 205 does not support SPP TOs’ suggestion that a Commission regulation is invalid as abridging FPA section 205 filing rights if it may, as a practical matter, require greater planning on a public utilities’ part to make their filing at a desired time.

⁴¹⁸ *Midwest Indep. Transmission Sys. Operator, Inc.*, 137 FERC ¶ 61,074 at P 187.

⁴¹⁹ See MISO TOs Rehearing Request at 5; Indicated PJM TOs Rehearing Request at 7, 15–17; SPP TOs Rehearing Request at 2, 7, 10–11.

⁴²⁰ See Indicated PJM TOs Rehearing Request at 16 (arguing that inherent in a public utility’s right to change its own rates under FPA section 205 is the right not to seek to change its rates under that provision); SPP TOs Rehearing Request at 11 (arguing that the filing decision is wholly voluntary under FPA section 205).

⁴²¹ See, e.g., Order No. 1920, 187 FERC ¶ 61,068 at P 1753 (requiring transmission providers to publicly document certain information, including Long-Term Transmission Needs discussed in interregional transmission coordination meetings); *id.* PP 1625–1630 (establishing documentation and transparency requirements for local transmission planning processes); Order No. 2023, 184 FERC ¶ 61,054 at PP 135–137 (requiring transmission

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Nothing in FPA section 205 precludes the Commission from exercising that FPA section 206 authority to require documentation of these discussions, including in scenarios where the transmission provider elects not to file an FPA section 205 proposal to change its approach to cost allocation.

124. Moreover, the Commission has authority under the FPA to require the disclosure of information as necessary or appropriate to assist the Commission in the administration of its duties under the FPA, in the “manner or form” as the Commission may prescribe and providing “specific answers to all questions upon which the Commission may need information.”⁴²² Order No. 1920–A’s requirements that transmission providers publicly document the results of their consultation with Relevant State Entities fall comfortably within this broad authority.⁴²³

providers to publicly post available generator interconnection information); Order No. 1000, 136 FERC ¶ 61,051 at P 458 (directing transmission providers “to maintain a website or email list for the communication of information related to interregional transmission coordination procedures” to stakeholders); *id.* PP 668–669 (requiring that “cost allocation methods and their corresponding data requirements for determining benefits and beneficiaries [of regional and interregional transmission facilities] must be open and transparent” in order to “ensure[] that such methods are just and reasonable and not unduly discriminatory or preferential”); *Reform of Generator Interconnection Procs. & Agreements*, Order No. 845, 163 FERC ¶ 61,043, at PP 305, 307 (requiring transmission providers to post interconnection study metrics, in order to “increase the transparency of interconnection study completion timeframes”), *order on reh’g*, Order No. 845–A, 166 FERC ¶ 61,137 (2018), *order on reh’g*, Order No. 845–B, 168 FERC ¶ 61,092 (2019); *Uplift Cost Allocation & Transparency in Mkts. Operated by Reg’l Transmission Orgs. & Indep. Sys. Operators*, Order No. 844, 163 FERC ¶ 61,041, at PP 27, 30–34 (2018) (finding that certain RTO/ISO reporting practices were insufficiently transparent, resulting in unjust and unreasonable rates, and establishing four public reporting requirements).

⁴²² 16 U.S.C. 825c(a) (“[E]very public utility shall file with the Commission such annual and other periodic or special reports as the Commission may by rules and regulations or order prescribe as necessary or appropriate to assist the Commission in the proper administration of this chapter”); *see also id.* 825f(a), 825h; *INGAA*, 285 F.3d at 39; *PJM Interconnection* ¶ 61,224, at P 26 (2015) (“Court and Commission precedent recognize that the Commission retains the ability to require informational filings without exceeding its authority under section 205. The Commission’s authority to prescribe informational filings and require informational reports, moreover, is statutory.”); *PJM Interconnection, LLC*, 123 FERC ¶ 61,037, at P 12 (2008); *supra* note 421 (public documentation requirements issued pursuant to FPA section 206).

⁴²³ For instance, these requirements will help ensure that consultations with Relevant State Entities are occurring consistent with transmission providers’ tariffs.

b. Compliance With the APA

i. Rehearing Requests

125. MISO TOs, SPP TOs, and WIRES assert that Order No. 1920–A’s consultation requirement is inconsistent with the objectives of Order No. 1920 and insufficiently supported and is therefore arbitrary and capricious under the APA.⁴²⁴ MISO TOs argue that the requirement contravenes the stated purpose of Order No. 1920 of promoting efficiency and cost-effectiveness of transmission solutions stating that “when the Commission places roadblocks, such as additional consultations and detailed explanations of decisions, in the way of reaching appropriate [c]ost [a]llocation [m]ethods, it belies the purpose of the reforms, does not demonstrate a clear path of reasoning, and is, thus, arbitrary and capricious.”⁴²⁵ SPP TOs broadly challenge Order No. 1920–A’s consultation requirement as insufficiently supported by the Commission’s explanation that states have a unique role and voice in regional transmission planning, given that states have other avenues to be heard and transmission providers have every incentive to consult voluntarily with Relevant State Entities.⁴²⁶ WIRES argues that “[b]ecause the record demonstrates that there are other less intrusive means by which states can meaningfully participate in the development of Long-Term Regional [Transmission] Cost Allocation [M]ethods and State Agreement Processes, the Commission’s revisions are arbitrary and capricious.”⁴²⁷

⁴²⁴ MISO TOs Rehearing Request at 32–33 (citing 5 U.S.C. 706; *Hoopa Valley Tribe v. FERC*, 913 F.3d 1099, 1102 (D.C. Cir. 2019)); SPP TOs Rehearing Request at 28 (citing *State Farm*, 463 U.S. at 43); WIRES Rehearing Request at 15 (citing 5 U.S.C. 706(2)(A); *Am. Gas Ass’n v. FERC*, 593 F.3d 14, 19 (D.C. Cir. 2010); *Rio Grande Pipeline Co. v. FERC*, 178 F.3d 533, 541 (D.C. Cir. 1999)).

⁴²⁵ MISO TOs Rehearing Request at 32–33; *see also id.* at 27.

⁴²⁶ SPP TOs Rehearing Request at 28–29 (arguing that there is no need to “create preferential filing privileges” not contemplated by the FPA and “that statutory limits exist and may frustrate some parties cannot be a reasoned basis for evading those limits”); *see also id.* at 11–12 (arguing that the Commission’s explanation for the consultation requirements cannot support infringing on transmission providers’ FPA section 205 filing rights, and that “public utilities will continue to have every incentive to voluntarily consult with Relevant State Entities and to consider their input before making section 205 filings”).

⁴²⁷ WIRES Rehearing Request at 16–17 (asserting that the same set of facts relied on in Order No. 1920 were used to justify the requirements of Order No. 1920–A, such that “there seems little connection between what are essentially the same facts and the choices made.”). WIRES here challenges both the consultation requirements and the compliance filing requirements adopted in Order No. 1920–A, discussed above, *see supra*

ii. Commission Determination

126. We disagree with the arguments raised on rehearing that the Commission failed to comply with the APA in adopting the requirement that transmission providers consult with Relevant State Entities prior to amending the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process.⁴²⁸ First, MISO TOs mischaracterize the consultation requirement in calling it a “roadblock[] . . . in the way of reaching appropriate [c]ost [a]llocation [m]ethods,”⁴²⁹ as Order No. 1920–A provides transmission providers flexibility as to both the form and duration of the required consultation.⁴³⁰ Moreover, Order No. 1920–A does not require that transmission providers post any detail beyond the results of any consultation,⁴³¹ and for consultations initiated by Relevant State Entities, Order No. 1920–A requires only an explanation for why the transmission provider has chosen not to propose any amendments to the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process preferred by Relevant State Entities during the required consultation.⁴³² Contrary to MISO TOs’ contention that the consultation requirement contravenes the purpose of Order No. 1920, we find that the consultation requirement directly furthers the essential purpose of Long-Term Regional Transmission Planning to develop more efficient or cost-effective regional transmission facilities.⁴³³ The consultation requirement, in ensuring that states have the opportunity to be involved in development of cost allocation methods for Long-Term Regional Transmission Facilities subsequent to the Commission’s acceptance of transmission providers’ filings made in compliance with Order No. 1920, has the potential to minimize additional costs and delays in the siting process and to facilitate the development of Long-Term Regional

Requirements Concerning Relevant State Entities’ Agreed-upon Cost Allocation Methods section, as arbitrary and capricious for the same reasons.

⁴²⁸ *See* MISO TOs Rehearing Request at 32–33; SPP TOs Rehearing Request at 28; WIRES Rehearing Request at 15.

⁴²⁹ MISO TOs Rehearing Request at 33.

⁴³⁰ Order No. 1920–A, 189 FERC ¶ 61,126 at P 692.

⁴³¹ *See* MISO TOs Rehearing Request at 33 (asserting that that this requirement obligates transmission providers to provide “detailed explanations of decisions”).

⁴³² Order No. 1920–A, 189 FERC ¶ 61,126 at P 691.

⁴³³ Order No. 1920, 187 FERC ¶ 61,068 at P 125.

Transmission Facilities.⁴³⁴ Therefore, on balance, we find that the consultation requirement adopted in Order No. 1920–A is an appropriate, tailored means of furthering Order No. 1920’s essential purpose.

127. We also disagree with SPP TOs’ and WIRES’ arguments that the Commission’s adoption of the consultation requirement is arbitrary or capricious because Relevant State Entities have other means of participating in the development of Long-Term Regional Transmission Cost Allocation Methods and/or State Agreement Process, or because transmission providers would otherwise be incented to consult with Relevant State Entities and consider their input before making FPA section 205 filings.⁴³⁵ In Order No. 1920–A, the Commission found that the consultation requirement will ensure that states have the opportunity to be involved in developing cost allocation methods for Long-Term Regional Transmission Facilities subsequent to the Commission’s acceptance of transmission providers’ filings made in compliance with Order No. 1920.⁴³⁶ Transmission providers may already have an incentive to provide states with an opportunity to be involved in establishing cost allocation methods for Long-Term Regional Transmission Facilities subsequent to the Commission’s acceptance of transmission providers’ filings made in compliance with Order No. 1920—given such involvement has the potential to minimize additional costs and delays in the siting process and to facilitate the development of Long-Term Regional Transmission Facilities.⁴³⁷ However, the consultation requirement adopted in Order No. 1920–A ensures that Relevant State Entities have such an opportunity.

c. First Amendment

i. Rehearing Requests

128. Indicated PJM TOs argue that the requirement that transmission providers explain why they have chosen not to propose any amendments to the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process preferred by Relevant State Entities during the required consultation violates the First Amendment to the United States

Constitution.⁴³⁸ Indicated PJM TOs contend that the First Amendment protects transmission providers’ right to speak as well as their right not to speak, and that this requirement constitutes governmentally compelled speech that the Commission cannot require.⁴³⁹

ii. Commission Determination

129. Above, we address Indicated PJM TOs’ argument that transmission providers’ First Amendment rights are violated by Order No. 1920–A’s requirement that transmission providers include in the transmittal or as an attachment to their Order No. 1920 regional transmission planning and cost allocation compliance filing the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process agreed to by Relevant State Entities during the Engagement Period.⁴⁴⁰ For similar reasons, we find that the requirement that transmission providers explain why they have chosen not to propose any amendments to the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process preferred by Relevant State Entities during the required consultation does not implicate transmission providers’ rights under the First Amendment. As discussed above,⁴⁴¹ the requirement that transmission providers explain why they have chosen not to propose any amendments to the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process preferred by Relevant State Entities during the required consultation is a regulation of the practices surrounding cost allocation to ensure the development of cost allocation methods that will facilitate the timely, efficient development of Long-Term Regional Transmission Facilities, given the critical role of states in that process. This requirement is not a “veiled attempt to . . . ‘manipulate the public debate through coercion’ ”⁴⁴² but rather

an integral component in Order No. 1920’s reforms facilitating the timely, efficient development of Long-Term Regional Transmission Facilities, and thus ensuring just and reasonable Commission-jurisdictional rates. We therefore find no difference for the purposes of the First Amendment between this requirement and Order No. 1000’s reform, necessary to ensure just and reasonable Commission-jurisdictional rates, of the “practices of failing to engage in . . . *ex ante* cost allocation for development of new regional transmission facilities.”⁴⁴³

130. As with Indicated PJM TOs’ First Amendment arguments with respect to the requirement that transmission providers include Relevant State Entities’ agreed-upon Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process in their compliance filings, we find that Indicated PJM TOs’ reliance on cases concerning compelled expression of political and ideological messages such as *Wooley* and *PG&E* is misplaced. The Supreme Court has consistently held that “expression related solely to the economic interests of the speaker and its audience”⁴⁴⁴ is entitled to only a “limited measure of protection, commensurate with its subordinate position in the scale of First Amendment values.”⁴⁴⁵ The requirement that transmission providers explain why they have chosen not to propose any amendments to the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process preferred by Relevant State Entities during the required consultation does not compel transmission providers to utter phrases “repugnant to their moral, religious, and political beliefs,”⁴⁴⁶ but instead simply requires that they explain their disagreement with Relevant State Entities as to the economic matter of how the cost of Long-Term Regional Transmission Facilities ought to be allocated.⁴⁴⁷ Therefore, at most, the requirement that transmission providers explain why they have chosen not to propose any amendments to the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process preferred by

⁴³⁸ Indicated PJM TOs Rehearing Request at 29.

⁴³⁹ *Id.* at 29–30, 33–34 (citing *Wooley*, 430 U.S. at 714; *United Foods, Inc.*, 533 U.S. at 409–10; *PG&E*, 475 U.S. at 10–19; *Central Hudson*, 447 U.S. 557).

⁴⁴⁰ See *supra* Requirements Concerning Relevant State Entities’ Agreed-upon Cost Allocation Methods section.

⁴⁴¹ Consultation with Relevant State Entities After the Engagement Period, Statutory Filing Rights Under the FPA section.

⁴⁴² *Full Value Advisors, LLC*, 633 F.3d at 1108–09 (rejecting a First Amendment challenge to a statute “indistinguishable from other underlying and oft unnoticed forms of disclosure the Government requires for its ‘essential operations’ ” (first quoting *Turner Broad. Sys., Inc.*, 512 U.S. at 641; then quoting *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. at 645)). See also *Sindel*, 53 F.3d at 878; *Seahill v. District of Columbia*, 909 F.3d at 1185.

⁴³⁴ Order No. 1920–A, 189 FERC ¶ 61,126 at P 692.

⁴³⁵ See SPP TOs Rehearing Request at 28–29; WIRES Rehearing Request at 16–17.

⁴³⁶ Order No. 1920–A, 189 FERC ¶ 61,126 at P 692.

⁴³⁷ *Id.* P 692 (citing Order No. 1920, 187 FERC ¶ 61,068 at PP 124, 126).

⁴⁴³ *South Carolina*, 762 F.3d at 57 (describing this Order No. 1000 reform as “involv[ing] a core reason underlying Congress’ instruction in [FPA] Section 206”).

⁴⁴⁴ *Central Hudson*, 447 U.S. at 561; see also *Md. Shall Issue, Inc.*, 91 F.4th at 248.

⁴⁴⁵ See *Bd. of Trs. of State Univ. of N.Y.*, 492 U.S. 469; see *supra* Requirements Concerning Relevant State Entities’ Agreed-upon Cost Allocation Methods section.

⁴⁴⁶ *Wooley*, 430 U.S. at 707.

⁴⁴⁷ *Md. Shall Issue, Inc.*, 91 F.4th at 248.

Relevant State Entities during the required consultation should be judged under the *Central Hudson* standard applied to regulations on commercial speech.⁴⁴⁸ We find that this requirement satisfies *Central Hudson*, as it directly advances the Commission's substantial interest in ensuring that states have the opportunity to be involved in establishing cost allocation methods for Long-Term Regional Transmission Facilities subsequent to the Commission's acceptance of transmission providers' filings made in compliance with Order No. 1920, which has the potential to minimize additional costs and delays in the siting process and to facilitate the development of Long-Term Regional Transmission Facilities,⁴⁴⁹ and is "in proportion to" and not more extensive than is necessary to serve the Commission's substantial interest.⁴⁵⁰

C. Definition of Relevant State Entities

1. Order Nos. 1920 and 1920–A

131. In Order No. 1920, the Commission defined a "Relevant State Entity" as "any state entity responsible for electric utility regulation or siting electric transmission facilities within the state or portion of a state located in the transmission planning region,

including any state entity as may be designated for that purpose by the law of such state."⁴⁵¹ In response to comments on the NOPR, the Commission declined to expand the definition of Relevant State Entities to include additional entities, including electric cooperatives, and explained that providing state regulators with a formal opportunity to develop cost allocation methods in Long-Term Regional Transmission Planning could increase state support for Long-Term Regional Transmission Facilities that transmission providers select and that this may increase the likelihood that such facilities are sited and ultimately developed with fewer costly delays and better ensure just and reasonable Commission-jurisdictional rates.⁴⁵² The Commission made clear, however, that nothing in Order No. 1920 diminishes the role of stakeholders that are not Relevant State Entities nor absolves transmission providers of any existing obligations that they may have to provide opportunities for stakeholder input.⁴⁵³

132. Order No. 1920 provided opportunities for Relevant State Entities to participate in Long-Term Regional Transmission Planning, including, but not limited to, the requirements that transmission providers in each transmission planning region: (1) consult with and seek support from Relevant State Entities regarding the evaluation process, including selection criteria, that transmission providers propose to use to identify and evaluate Long-Term Regional Transmission Facilities for selection;⁴⁵⁴ (2) include in their OATTs a process to provide Relevant State Entities and interconnection customers with the opportunity to voluntarily fund the cost of, or a portion of the cost of, a Long-Term Regional Transmission Facility that otherwise would not meet the transmission providers' selection criteria;⁴⁵⁵ and (3) provide a forum for negotiation of a Long-Term Regional Transmission Cost Allocation Method(s) and/or a State Agreement Process that enables meaningful participation by Relevant State Entities.⁴⁵⁶ The Commission declined to expand participation in the Engagement Period beyond Relevant State Entities but stated that other participants beyond Relevant State Entities may participate

in the State Agreement Process, if agreed to by Relevant State Entities.⁴⁵⁷

133. In Order No. 1920–A, the Commission recognized the valuable insight that municipal electric regulatory bodies and non-public utilities provide as stakeholders in Commission-sanctioned processes but declined requests to expand the definition of Relevant State Entity to encompass other entities.⁴⁵⁸ In support of its decision, the Commission emphasized that state entities responsible for electric utility regulation or siting electric transmission facilities are uniquely situated to influence whether or not a Long-Term Regional Transmission Facility reaches completion.⁴⁵⁹ The Commission continued to find that "regional transmission facilities face significant uncertainty and risk of not reaching construction if certain stakeholders—in particular, a state regulator responsible for permitting transmission facilities—do not perceive the regional transmission facilities' value as commensurate with their costs."⁴⁶⁰ However, the Commission did not make a determination on whether an individual state's laws, regulations, and/or policies, or inclusion in a larger association of regulators, deem any particular entity to be a Relevant State Entity, though the Commission noted that state law may be a persuasive or dispositive factor in such determinations.⁴⁶¹

2. Rehearing Requests

134. NRECA requests that the Commission modify the definition of Relevant State Entity to include any entity that establishes or regulates electric rates under state law, in light of Order No. 1920–A's modifications to the roles played by Relevant State Entities.⁴⁶² NRECA states that Order No. 1920–A substantially changes the final rule by creating expanded and additional opportunities for Relevant State Entities to influence and determine Long-Term Regional Transmission Planning and associated cost allocation methods, such as requiring incorporation of input from Relevant State Entities in developing Long-Term Scenarios and requiring compliance filings to include any Long-Term Regional Transmission Cost

⁴⁴⁸ *Recht*, 32 F.4th at 409. While Indicated PJM TOs argue that either strict or intermediate scrutiny should apply to the requirement that transmission providers include in their compliance filings the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process agreed upon by Relevant State Entities, Indicated PJM TOs do not specify the level of constitutional scrutiny they believe should apply to the requirement that transmission providers explain why they have chosen not to propose any amendments to the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process preferred by Relevant State Entities during the required consultation. Indicated PJM TOs Rehearing Request at 31–33. For the avoidance of doubt, we find that strict scrutiny is inapplicable to the requirement that transmission providers explain why they have chosen not to propose any amendments to the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process preferred by Relevant State Entities during the required consultation after the Engagement Period.

⁴⁴⁹ Order No. 1920–A, 189 FERC ¶ 61,126 at P 692 (citing Order No. 1920, 187 FERC ¶ 61,068 at PP 124, 126).

⁴⁵⁰ See *Bd. of Trs. of State Univ. of N.Y.*, 492 U.S. at 480 (quoting *In re R.M.J.*, 455 U.S. 191, 203 (1982)). As discussed above at note 359, regulations on commercial speech such as the requirement that transmission providers explain why they have chosen not to propose any amendments to the Long-Term Regional Transmission Cost Allocation Method(s) and/or State Agreement Process preferred by Relevant State Entities during the required consultation need not be the least restrictive means of achieving the government's substantial interest. *Id.* Thus, the fact that Relevant State Entities could alternatively "file their own proposal under FPA section 206" has no bearing on the constitutionality of this requirement. Indicated PJM TOs Rehearing Request at 33.

⁴⁵¹ Order No. 1920, 187 FERC ¶ 61,068 at PP 44, 1355; see also Order No. 1920–A, 189 FERC ¶ 61,126 at P 701.

⁴⁵² Order No. 1920, 187 FERC ¶ 61,068 at P 1364.

⁴⁵³ *Id.* P 1000.

⁴⁵⁴ *Id.* P 994.

⁴⁵⁵ *Id.* P 1012.

⁴⁵⁶ *Id.* P 1354.

⁴⁵⁷ *Id.* PP 1364 & n.2914, 1402, 1416, 1421.

⁴⁵⁸ Order No. 1920–A, 189 FERC ¶ 61,126 at PP 700–701.

⁴⁵⁹ *Id.* P 701 (citing Order No. 1920, 187 FERC ¶ 61,068 at P 1364).

⁴⁶⁰ *Id.* P 700 (citing Order No. 1920, 187 FERC ¶ 61,068 at P 1364).

⁴⁶¹ *Id.* P 703.

⁴⁶² NRECA Rehearing Request at 12.

Allocation Method or State Agreement Process agreed upon by Relevant State Entities.⁴⁶³

135. NRECA argues that Order No. 1920–A’s modifications to the final rule are incomplete, and the Commission’s goal of giving the entities that represent electric consumers under state law a greater voice in transmission planning and cost allocation decisions is not met, because the order does not ensure comparable representation of all electric consumers in a state.⁴⁶⁴ NRECA points out that many state public utility commissions do not regulate the rates of all electric utilities in their respective states and that often electric cooperatives establish their rates independently of their state’s utility commission. NRECA asserts that the Commission arbitrarily and without explanation excluded or allowed transmission planning regions to exclude the representatives of some electric consumers from the more robust process created by Order No. 1920–A.⁴⁶⁵ NRECA states that the Commission’s definition of Relevant State Entity in Order Nos. 1920 and 1920–A is not bound by statute or prior regulations, as the Commission crafted this definition for the purpose of Order Nos. 1920 and 1920–A.⁴⁶⁶

136. NRECA argues that the FPA’s prohibition on undue discrimination or preference extends to practices affecting jurisdictional rates as well as the rates themselves.⁴⁶⁷ Accordingly, NRECA claims that Order No. 1920–A is arbitrary, capricious, not in accordance with law, and not the product of reasoned decision-making, as it does not require transmission providers to provide the expanded opportunities for participation in transmission planning and cost allocation decision-making processes on a nondiscriminatory and non-preferential basis to all entities “responsible for electric utility regulation” under state law.⁴⁶⁸

137. Finally, NRECA argues that the Commission should clarify or modify Order No. 1920–A to require transmission providers to demonstrate in their compliance filings how they are ensuring that all entities that establish or regulate electric rates under state law will be treated without undue discrimination or preference.⁴⁶⁹

3. Commission Determination

138. We are not persuaded by NRECA’s request to expand the definition of Relevant State Entity to include any entity that establishes or regulates electric rates under state law.⁴⁷⁰ As discussed in Order No. 1920–A, while we recognize the important role that many stakeholders, including municipal electric regulatory bodies and non-public utility entities, play in Commission-sanctioned processes, we continue to find that the definition of Relevant State Entities should encompass only state entities responsible for electric utility regulation or siting electric transmission facilities within the state or portion of a state located in the transmission planning region, including any state entity as may be designated for that purpose by the law of such state.⁴⁷¹

139. In Order No. 1920–A, the Commission reaffirmed and enhanced the important role of states in the Long-Term Regional Transmission Planning process by recognizing that meaningful engagement with states is critical to the success of the Long-Term Regional Transmission Planning reforms established in Order No. 1920.⁴⁷² Specifically, the Commission in Order No. 1920–A better integrated states’ input into regional transmission planning and cost allocation processes, both in the transmission providers’ development of Order No. 1920 compliance filings and the ongoing implementation of these reforms in the future.

140. Importantly, however, this strengthened role of Relevant State Entities does not limit or inhibit other entities from engaging robustly via the Commission’s or state’s standard procedures for public participation. We also reiterate that Order No. 1920 allows other participants, including the municipal electric regulatory bodies and non-public utility entities mentioned above that do not otherwise meet the definition of a Relevant State Entity, to participate in a State Agreement Process, if agreed to by Relevant State Entities.⁴⁷³ Further, we emphasize that nothing in Order No. 1920 or Order No. 1920–A prevents transmission providers generally from consulting or working closely with stakeholders in addition to Relevant State Entities to ensure the success of Long-Term Regional

Transmission Planning. Indeed, we welcome such collaboration.

141. We disagree with NRECA’s argument that the definition of Relevant State Entity allows for unduly discriminatory and preferential transmission planning and cost allocation practices by not expressly encompassing any entity that establishes or regulates electric rates under state law.⁴⁷⁴ As discussed in Order No. 1920, allowing Relevant State Entities to better realize Long-Term Regional Transmission Facilities’ value through an enhanced role in the regional transmission planning process greatly increases the likelihood of their support for those facilities. Relevant State Entities play a unique role in that they retain a variety of authorities that are integral to the success of Long-Term Regional Transmission Planning.⁴⁷⁵ Therefore, the support of Relevant State Entities may increase the likelihood that those facilities are sited and ultimately developed with fewer costly delays, and thus better ensures just and reasonable Commission-jurisdictional rates.⁴⁷⁶ Additionally, we reiterate that we are not excluding any specific entities from this process; instead, we make no findings regarding whether any individual municipal electric regulatory body or non-public utility entity meets the definition of a Relevant State Entity, as those determinations properly rest with entities in a state, based upon their interpretation of their state laws.⁴⁷⁷

142. We further are not persuaded by NRECA’s request for a requirement that transmission providers demonstrate in their compliance filings how they are ensuring that all entities that establish or regulate electric rates under state law will be treated without undue discrimination or preference.⁴⁷⁸ Nothing in Order No. 1920 diminishes the role of stakeholders that are not Relevant State Entities, nor absolves transmission providers of any existing obligations that they may have to provide opportunities for stakeholder input.⁴⁷⁹

D. Other Cost Allocation Issues

1. Order Nos. 1920 and 1920–A

143. In Order No. 1920, the Commission found that there is substantial evidence to support the determination that sufficiently long-term, forward-looking, and

⁴⁶³ *Id.* at 5–8.

⁴⁶⁴ *Id.* at 9.

⁴⁶⁵ *Id.* at 10.

⁴⁶⁶ *Id.* at 11–12 (citing Order No. 1920–A, 189 FERC ¶ 61,126 at P 704).

⁴⁶⁷ *Id.* at 13.

⁴⁶⁸ *Id.* at 4, 13–14.

⁴⁶⁹ *Id.* at 15.

⁴⁷⁰ *Id.* at 12.

⁴⁷¹ Order No. 1920–A, 189 FERC ¶ 61,126 at P 701.

⁴⁷² *Id.* P 3.

⁴⁷³ Order No. 1920, 187 FERC ¶ 61,068 at PP 1364 n.2914, 1402; Order No. 1920–A, 189 FERC ¶ 61,126 at P 701.

⁴⁷⁴ NRECA Rehearing Request at 13.

⁴⁷⁵ Order No. 1920, 187 FERC ¶ 61,068 at P 1000.

⁴⁷⁶ *Id.* P 1364.

⁴⁷⁷ Order No. 1920–A, 189 FERC ¶ 61,126 at P 703.

⁴⁷⁸ NRECA Rehearing Request at 15.

⁴⁷⁹ See Order No. 1920, 187 FERC ¶ 61,068 at P 1000.

comprehensive regional transmission planning and cost allocation to meet Long-Term Transmission Needs is not occurring on a consistent and sufficient basis, and that the absence of such processes is resulting in piecemeal transmission expansion to address relatively near-term transmission needs. The Commission found that the status quo approach results in transmission providers undertaking investments in relatively inefficient or less cost-effective transmission infrastructure, the costs of which are ultimately recovered through Commission-jurisdictional rates.⁴⁸⁰

144. The Commission concluded that revisions to the Commission's regional transmission planning and cost allocation requirements are necessary to ensure that Commission-jurisdictional rates, terms, and conditions are just, reasonable, and not unduly discriminatory or preferential. The Commission found that, absent the reforms instituted by Order No. 1920, regional transmission planning processes will continue to fail to identify, evaluate, and select regional transmission facilities that can more efficiently or cost-effectively meet Long-Term Transmission Needs, requiring customers to pay for relatively inefficient or less cost-effective transmission development.⁴⁸¹

145. The Commission therefore concluded, based on the record in the proceeding, that there is substantial evidence to support the conclusion that deficiencies in the Commission's existing regional transmission planning and cost allocation requirements are resulting in Commission-jurisdictional rates that are unjust, unreasonable, and unduly discriminatory or preferential.

146. As relevant here, the Commission specifically found that the Commission's current cost allocation requirements, which were designed and established in the context of existing Order No. 1000 regional transmission planning processes, are insufficient to appropriately allocate costs associated with regional transmission facilities that are selected in accordance with the new Long-Term Regional Transmission Planning requirements that the Commission established in Order No. 1920. Accordingly, the Commission found that it is both necessary and appropriate to establish specific cost allocation requirements that are tailored to the Long-Term Regional Transmission Planning reforms in Order No. 1920.⁴⁸²

147. In Order No. 1920–A, the Commission responded to rehearing requests that argued that the Commission had failed to satisfy its FPA section 206 burden to demonstrate that existing Order No. 1000 regional transmission planning and cost allocation processes are unjust, unreasonable, or unduly discriminatory or preferential⁴⁸³ and sustained its Order No. 1920 determinations as to its action under the first prong of FPA section 206.⁴⁸⁴ As relevant here, the Commission continued to find that the Commission made adequate findings and marshalled substantial evidence under the first prong of FPA section 206, and that it found rehearing petitioners' arguments to the contrary to be unpersuasive. The Commission concluded that the evidence on which it relied—both empirical and generic factual predictions—was more than sufficient to meet its evidentiary burden under FPA section 206.⁴⁸⁵

2. Rehearing Requests

148. Indicated PJM TOs and SPP TOs argue that the Commission failed to make an adequate finding under the first prong of FPA section 206 that substantial evidence supports the determination that existing regional cost allocation methods are unjust and unreasonable.⁴⁸⁶ Indicated PJM TOs state that FPA section 206 requires the Commission to prove that each rate or practice affecting such rate that it seeks to change is unlawful based on substantial evidence.⁴⁸⁷ Indicated PJM TOs assert that “[t]he Commission makes several findings that *the existing regional planning process* is unjust and unreasonable but makes no findings that the existing *regional cost allocation method[]* is unjust and unreasonable.”⁴⁸⁸ Indicated PJM TOs aver that the findings in Order Nos. 1920 and 1920–A that an existing rate is unjust and unreasonable are confined to the transmission planning process, and that the Commission “simply assume[d]” that existing regional cost allocation methods are unjust and unreasonable on the basis of evidence

that existing regional transmission planning processes are unjust and unreasonable.⁴⁸⁹

149. Indicated PJM TOs argue that the Commission justified its decision by stating that existing cost allocation methods do not properly reflect the benefits to be considered in the new Order No. 1920 long-term transmission planning requirements and that there is no process to engage states in the development of regional cost allocation methods, but there is not substantial evidence in the record or analysis supporting these determinations.⁴⁹⁰ Indicated PJM TOs argue that the Commission acknowledged that it may be just and reasonable to continue to apply existing regional cost allocation methods, that the Commission cannot conclude that a rate is unjust and unreasonable simply because it differs from the rate the Commission seeks to impose, and that the Commission has shifted the burden onto public utilities to demonstrate their cost allocation methods are consistent with the requirements of Order No. 1920.⁴⁹¹ Indicated PJM TOs contend that because the Commission has not carried its burden under the first prong of FPA section 206 with respect to the cost allocation methods for Long-Term Regional Transmission Facilities, any proposals related to such cost allocation methods must be made and considered under FPA section 205 and approved if just and reasonable.⁴⁹²

150. SPP TOs assert that Order Nos. 1920 and 1920–A do not present substantial evidence establishing a causal link between the Commission's changes to its transmission planning requirements and the need for replacement rates on cost allocation.⁴⁹³ SPP TOs acknowledge that the Commission made such findings in Order Nos. 1920 and 1920–A but contend that these findings fall short of statutory requirements.⁴⁹⁴ Specifically, they argue that “[t]he creation of new

⁴⁸⁹ *Id.* at 24 (citing Order No. 1920–A, 189 FERC ¶ 61,126 at PP 47 & n.80, 52 & n.92).

⁴⁹⁰ *Id.* at 25 (arguing that the Commission failed to consider the example of whether PJM's cost allocation method for multi-driver projects would be appropriate under Order No. 1920 or whether PJM's existing State Agreement Approach provided sufficient state involvement in cost allocation processes).

⁴⁹¹ *See id.* at 26 (citing *Emera Maine*, 854 F.3d at 22–26; Order No. 1920–A, 189 FERC ¶ 61,126 at P 714).

⁴⁹² *Id.* at 26–27 (citing 16 U.S.C. 824d(e); *Sw. Power Pool, Inc.*, 189 FERC ¶ 61,128, at P 60 n.230 (2024)).

⁴⁹³ SPP TOs Rehearing Request 22–23; *see also id.* at 7–8.

⁴⁹⁴ *Id.* at 21–22 (citing Order No. 1920, 187 FERC ¶ 61,068 at PP 113–114; Order No. 1920–A, 189 FERC ¶ 61,126 at PP 34–124, 652).

⁴⁸⁰ *Id.* P 112.

⁴⁸¹ *Id.* P 113.

⁴⁸² *Id.* P 126.

⁴⁸³ *See* Order No. 1920–A, 189 FERC ¶ 61,126 at PP 70–71 (describing rehearing requests received from Designated Retail Regulators, Undersigned States, Arizona Commission, and Industrial Customers challenging the sufficiency under the first prong of FPA section 206 of the evidence relied upon by the Commission in Order No. 1920).

⁴⁸⁴ *Id.* P 72.

⁴⁸⁵ *Id.* PP 72–83.

⁴⁸⁶ Indicated PJM TOs Rehearing Request at 7, 23–27; SPP TOs Rehearing Request at 7–8, 21–28.

⁴⁸⁷ Indicated PJM TOs Rehearing Request at 24–25 (citing 16 U.S.C. 825(b); *Emera Maine*, 854 F.3d at 24; *South Carolina*, 762 F.3d at 56–69).

⁴⁸⁸ *Id.* at 5; *see id.* at 7 (emphasis in original).

benefits in the transmission planning process does not support the Commission's conclusion that a new transmission cost allocation scheme is also needed" because costs need not be allocated with exacting precision and there is more than one just and reasonable rate, such that existing rates may still be just and reasonable.⁴⁹⁵ Further, SPP TOs contend that the Commission disavowed in Order No. 1920 any causal link between the benefits required to be used and measured for planning purposes and the proposed replacement rate such that an acceptable cost allocation method need not include a mechanism for allocating the costs of Long-Term Regional Transmission Facilities in line with the measurement of benefits. Therefore, SPP TOs argue, the Commission was required to make additional factual findings, such as showing that Order No. 1920's transmission planning requirements would cause existing cost allocation methods to fail to meet the cost causation principle.⁴⁹⁶

151. SPP TOs assert that the holding in *South Carolina* that "'substantial evidence' is not limited to empirical evidence and may include generic factual predictions"⁴⁹⁷ does not support the Commission's decision because "the Commission fails to show any support for 'generic factual predictions' related to supposed cost allocation deficiencies."⁴⁹⁸ SPP TOs further contend that the Commission's discussion of the need for reform in Order Nos. 1920 and 1920-A does not support a finding under the first prong of FPA section 206 as to cost allocation, because the relevant material in the record addresses the need for improved transmission planning, not cost allocation.⁴⁹⁹ In addition, SPP TOs argue that the Commission does not cite any record evidence that existing cost allocation methods fail to adequately consider the views of states, does not support the need for a dedicated process through which states have the opportunity to participate in regional cost allocation methods, and does not show that existing methods are

insufficient to appropriately allocate costs in this context.⁵⁰⁰

3. Commission Determination

152. FPA section 313(a) provides that a party aggrieved by an order issued by the Commission "may apply for a rehearing within thirty days after the issuance of such order."⁵⁰¹ That provision further requires that "[t]he application for rehearing shall set forth specifically the ground or grounds upon which such application is based."⁵⁰² An aggrieved party is entitled to one opportunity to ask the Commission to reconsider a decision.⁵⁰³ Arguments that are not made at the first opportunity cannot be made later unless there is reasonable ground for failure to do so.⁵⁰⁴ Successive rehearing requests are only proper when the order on rehearing modifies the result reached in the original order in a manner that gives rise to a "wholly new objection."⁵⁰⁵

153. Here, Indicated PJM TOs did not request rehearing of this aspect of Order No. 1920,⁵⁰⁶ and SPP TOs did not request rehearing of Order No. 1920. Nor have Indicated PJM TOs or SPP TOs provided a reasonable ground for their failure to timely raise their objections to Order No. 1920's findings under the first prong of FPA section 206. Nevertheless, the concerns they raise regarding the Commission's findings under the first prong of FPA section 206 and sufficiency of evidence to support its

⁴⁹⁵ *Id.* at 27–28 (citing Order No. 1920–A, 189 FERC ¶ 61,126 at P 83; Order No. 1920, 187 FERC ¶ 61,068 at P 126).

⁵⁰¹ 16 U.S.C. 825(l)(a); *see also* 18 CFR 385.713(b) (rehearing request must be filed not later than 30 days after issuance of a final decision or order).

⁵⁰² 16 U.S.C. 825(l)(a).

⁵⁰³ *See Tenn. Gas Pipeline Co. v. FERC*, 871 F.2d 1099, 1110 n.18 (D.C. Cir. 1989) ("[I]f a party does not raise an argument that it could have raised in its first petition for review of a Commission action, it cannot preserve that argument for judicial review simply by filing a second petition for rehearing from a subsequent Commission order which implicates the same action." (emphasis in original)); *Smith Lake Improvement & Stakeholders Ass'n*, 809 F.3d at 58 (holding that, when a Commission rehearing order does not alter an aspect of the underlying order, seeking further rehearing as to that unchanged aspect does not toll the 60-day period for requesting judicial review).

⁵⁰⁴ *Columbia Gas Transmission Corp. v. FERC*, 477 F.3d 739, 741–42 (D.C. Cir. 2007); *Appalachian Power Co.*, 149 FERC ¶ 61,137, at P 8 (2014); *accord N.C. Utils. Comm'n v. FERC*, 741 F.3d 439, 449 (4th Cir. 2014).

⁵⁰⁵ *Appalachian Power Co.*, 149 FERC ¶ 61,137 at P 8 (citing, *inter alia*, *S. Nat. Gas Co. v. FERC*, 877 F.2d 1066, 1073 (D.C. Cir. 1989)); *see also Smith Lake Improvement & Stakeholders Ass'n*, 809 F.3d at 58 (finding, in a case "where the result did not change on first rehearing and petitioner sought a second rehearing nonetheless," that "there can be no dispute that [precedent] precludes judicial review of an untimely petition").

⁵⁰⁶ *See generally* Indicated PJM TOs June 12, 2024 Rehearing Request.

exercise of authority in Order No. 1920⁵⁰⁷ were thoroughly addressed in Order No. 1920–A,⁵⁰⁸ which sustained Order No. 1920's outcome on this issue.⁵⁰⁹ The reasoning therein fully responds to the challenges on this issue raised here by the Indicated PJM TOs and SPP TOs.

154. Accordingly, we find that successive requests for rehearing of this determination in Order No. 1920 do not lie, and SPP TOs' arguments regarding the sufficiency of the Commission's findings in Order No. 1920,⁵¹⁰ as well as both Indicated PJM TOs' and SPP TOs' objections to the sufficiency of statements made in Order No. 1920–A that merely sustain Order No. 1920,⁵¹¹ are rejected.⁵¹²

IV. Document Availability

155. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>).

156. 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

⁵⁰⁷ Indicated PJM TOs Rehearing Request at 23–27; SPP TOs Rehearing Request at 21–28.

⁵⁰⁸ *See* Order No. 1920–A, 189 FERC ¶ 61,126 at PP 70–71 (describing rehearing requests received from Designated Retail Regulators, Undersigned States, Arizona Commission, and Industrial Customers challenging the sufficiency under the first prong of FPA section 206 of the evidence relied upon by the Commission in Order No. 1920).

⁵⁰⁹ *Id.* P 72 ("We continue to find that the Commission made adequate findings under the first prong of FPA section 206 and marshalled substantial evidence to support those findings. We are therefore not persuaded by rehearing parties' arguments to the contrary."). *See Appalachian Power Co.*, 149 FERC ¶ 61,137 at P 10 n.18 ("An 'improved rationale' for the Commission's underlying decision . . . does not support a second request for rehearing." (citing *Erie Boulevard Hydropower, L.P.*, 118 FERC ¶ 61,196, at P 8 (2007))); *Smith Lake Improvement & Stakeholders Ass'n*, 809 F.3d at 56–57 ("We have made clear that a second rehearing petition must be filed if—and only if—the first rehearing order 'modifie[d] the results of the earlier one in a significant way.' We subsequently explained that means a change in the 'outcome,' not merely a change in reasoning." (internal citations omitted)).

⁵¹⁰ *See* SPP TOs Rehearing Request at 23–24 nn.64–65, 25 nn.68–70, 26–27 nn.77–79.

⁵¹¹ *See* Indicated PJM TOs Rehearing Request at 24 nn.89–91, 25 n.94; SPP TOs Rehearing Request at 22–23 nn.58–60, 24–25 n.67, 25–26 nn.71–73, 26 nn.75–76, 27 nn.80–82. *See also* Indicated PJM TOs Rehearing Request at 5 ("Order No. 1920–A fails to make the finding required by the first prong and to establish a replacement rate under the second prong." (emphasis added)).

⁵¹² *See NEXUS Gas Transmission, LLC*, 187 FERC ¶ 61,098, at P 13 (2024) (citing *Calpine Corp.*, 173 FERC ¶ 61,061, at P 144 (2020) (rejecting an argument as an impermissible request for rehearing of an order on rehearing)).

⁴⁹⁵ *Id.* at 23–24.

⁴⁹⁶ *Id.*

⁴⁹⁷ *South Carolina*, 762 F.3d at 65.

⁴⁹⁸ SPP TOs Rehearing Request at 25 (discussing Order No. 1920, 187 FERC ¶ 61,068 at PP 113–114, and asserting that "[b]oth paragraphs merely state conclusions regarding the need for cost allocation reforms").

⁴⁹⁹ *Id.* at 25–26 (discussing Order No. 1920–A, 189 FERC ¶ 61,126 at P 77, and associated record material, as well as Order No. 1920, 187 FERC ¶ 61,068 at PP 117, 121, 123).

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V. Effective Date

158. The effective date of the document published on December 6,

2024 (89 FR 97,174), is confirmed: January 6, 2025.

By the Commission. Commissioner See is not participating.
Issued: April 11, 2025.

Carlos D. Clay,
Deputy Secretary.

NOTE: The following appendix will not appear in the Code of Federal Regulations.

APPENDIX A—ABBREVIATED NAMES OF REHEARING PETITIONERS

Abbreviation	Rehearing party(ies)
Developers Advocating Transmission Advancements.	Ameren Services Company; Eversource Energy; Exelon Corporation; ITC Holdings Corp., National Grid USA; Xcel Energy.
EEL	Edison Electric Institute.
Indicated PJM TOs	American Electric Power Service Corporation on behalf of its affiliates, Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, AEP Appalachian Transmission Company, Inc., AEP Indiana Michigan Transmission Company, Inc., AEP Kentucky Transmission Company, Inc., AEP Ohio Transmission Company, Inc., and AEP West Virginia Transmission Company, Inc.; the Dayton Power and Light Company; Dominion Energy Services, Inc. on behalf of Virginia Electric and Power Company; Duke Energy Corporation on behalf of its affiliates Duke Energy Ohio, Inc., Duke Energy Kentucky, Inc., and Duke Energy Business Services LLC; Duquesne Light Company; East Kentucky Power Cooperative; Exelon Corporation on behalf of its affiliates Atlantic City Electric Company, Baltimore Gas and Electric Company, Commonwealth Edison Company, Delmarva Power & Light Company, PECO Energy Company, and Potomac Electric Power Company; FirstEnergy Service Company, on behalf of its affiliates American Transmission Systems, Incorporated, Jersey Central Power & Light Company, Mid-Atlantic Interstate Transmission LLC, West Penn Power Company, Potomac Edison Company, Monongahela Power Company, Keystone Appalachian Transmission Company, and Trans-Allegheny Interstate Line Company; PPL Electric Utilities Corporation; Public Service Electric and Gas Company; Rockland Electric Company; and UGI Utilities Inc.
MISO TOs	AEP Indiana Michigan Transmission Company; Ameren Services Company, as agent for Union Electric Company, Ameren Illinois Company, and Ameren Transmission Company of Illinois; American Transmission Company LLC; Big Rivers Electric Corporation; Central Minnesota Municipal Power Agency; City Water, Light & Power (Springfield, IL); Cleco Power LLC; Dairyland Power Cooperative; Duke Energy Business Services, LLC for Duke Energy Indiana, LLC; Great River Energy; Hoosier Energy Rural Electric Cooperative, Inc.; Indiana Municipal Power Agency; Indianapolis Power & Light Company; Lafayette Utilities System; MidAmerican Energy Company; Minnesota Power (and its subsidiary Superior Water, L&P); Montana-Dakota Utilities Co.; Northern Indiana Public Service Company LLC; Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, subsidiaries of Xcel Energy Inc.; Northwestern Wisconsin Electric Company; Otter Tail Power Company; Prairie Power, Inc.; Southern Illinois Power Cooperative; Southern Indiana Gas & Electric Company; Southern Minnesota Municipal Power Agency; Wabash Valley Power Association, Inc.; and Wolverine Power Supply Cooperative, Inc.
NRECA	National Rural Electric Cooperative Association.
SPP TOs	American Electric Power Service Corporation, on behalf of Southwestern Electric Power Company, Public Service Company of Oklahoma, AEP Oklahoma Transmission Company, Inc., and AEP Southwestern Transmission Company, Inc.; the Evergy Companies; and Xcel Energy Services Inc. on behalf of Southwestern Public Service Company.
WestConnect CTOs	Colorado Springs Utilities; Imperial Irrigation District; Los Angeles Department of Water and Power; Platte River Power Authority; Sacramento Municipal Utility District; Salt River Project Agricultural Improvement and Power District; and the Transmission Agency of Northern California.
WIRES	WIRES.

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